

EXHIBIT NO. JTX-011 evid.  
CAUSE NO. 3:22cv734-DPJ-HSO-LHS  
WITNESS \_\_\_\_\_  
CLERK: SHONE POWELL

FEB 26 2024

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
Candice Cane, REPORTER

**032922 Senate  
April 20, 2022**

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TRANSCRIPT OF VIDEO PROCEEDINGS

Mississippi Senate  
March 29, 2022

TRANSCRIBED BY:

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1 (Announcements.)

2 MR. PRESIDENT: Okay, we'll go to the  
3 calendar, Senator Kirby.

4 SENATOR KIRBY: Thank you,  
5 Mr. President. I'd like to pass and retain  
6 Items 1 through 36. And as they retain their  
7 place on the calendar. And I want to take up  
8 Item 37 and ask the title be read.

9 MR. PRESIDENT: Items 1 through 36  
10 retain their place upon the calendar. Item  
11 37, Mr. Clerk, please read your title.

12 MR. CLERK: Joint Resolution Number 202,  
13 Mississippi Senate Reapportionment.

14 SENATOR KIRBY: Make a usual motion,  
15 Mr. President.

16 MR. PRESIDENT: The senator makes a  
17 usual motion. All in favor signify by saying  
18 "aye." Opposed? "No." The "ayes" have it.

19 Please proceed, Senator Kirby.

20 SENATOR KIRBY: Thank you,  
21 Mr. President.

22 Ladies and gentlemen of the Senate, I'm  
23 honored to stand before you today to talk  
24 about the reapportionment. And the first  
25 thing I want to do is thank each and every

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1 one of you for working with me on this. It's  
2 not an easy chore, as you know.

3 But I want to start out by just giving a  
4 general overview and then to let you know of  
5 some things that happened and why the map  
6 ended up like it was.

7 So all of you know the statewide  
8 population decreased by 6,018 people. There  
9 are 52 Senate districts of the state, and  
10 based on our 2020 population, the ideal size  
11 for a Senate district is 56,948.

12 Now, there were significant shifts in  
13 the population throughout the state, and one  
14 of the more significant shifts was the fact  
15 that 65 or, really, over 65,000 people in the  
16 Delta area either moved to another part of  
17 the state or left the state. And I would  
18 hope that most of them just moved to other  
19 parts of the state.

20 Southwest Mississippi also lost a lot of  
21 population, as did the city of Jackson and  
22 the Hinds County area. And then you had --  
23 in addition to that, you had the DeSoto,  
24 Rankin, Madison area and the coastal counties  
25 had significant gains in population. They

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1 grew way more than people had thought.

2 Because of these population changes,  
3 there had to be shifts in the Senate  
4 boundaries, extend the district boundaries.  
5 And in one of those areas, a district had to  
6 be moved to another area of the state. With  
7 this overview in mind, let's go back and  
8 outline how we got to this point.

9 And the first thing we did, I want to  
10 talk to you about is public hearings and  
11 initial work.

12 In the fall of '21, we held nine  
13 hearings, nine public hearings all across the  
14 state, and then let the members comment, as  
15 well as all the people attending the hearing  
16 give us their ideas on what the State should  
17 do.

18 We received the population data from the  
19 census later after we had had a few meetings.  
20 They were late getting it to us, and, of  
21 course, all that was related to COVID. But  
22 we got it a little bit late. We actually got  
23 it in September of '21 before we got to  
24 census data.

25 So we'd had a few meetings, and then

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1 right in the middle of those nine meetings,  
2 we get the census data, but I guess  
3 unexpected to us was the fact that all these  
4 hearings, they really didn't want to talk  
5 about congressional districts and they  
6 really -- most of them -- and they did not  
7 want to talk about Senate or House districts.  
8 They wanted to talk about their supervisor  
9 districts, and they wanted to talk about  
10 their aldermen. And so Representative  
11 Beckett did a really good job, I thought, of  
12 explaining why we were there and what our  
13 responsibilities were.

14 Well, anyway, after the hearings, we  
15 started receiving all this other data, and  
16 our staff put together -- or began the  
17 process of loading the data onto our systems  
18 and fitting everything up so we can begin  
19 looking at the changes in population  
20 throughout the state. After we'd finished  
21 the congressional, we started on the other.  
22 And, of course, it was very important that we  
23 do the congressional first.

24 The first order of business for the  
25 standard committee was the development plan.

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1 Plan for redrawing the congressional  
2 districts, which we did. And that plan was  
3 presented in January or early part of  
4 January, as you know, and the Legislature  
5 adopted a plan on, I think, it was January  
6 the 12th. It was signed by the governor on  
7 January 25th. The congressional plan had to  
8 be adopted first, like I say, for the main  
9 reason of qualified deadline of March 1 for  
10 congressional elections for this year.

11 After -- after doing that plan, the  
12 congressional plan, then the standing  
13 committee turned its attention to the  
14 development of the House and Senate plans.

15 And so, here we go. We had -- we also  
16 had criteria that we had to go by. The  
17 standard committee adopted criteria to follow  
18 the redrawing of both the House and the  
19 Senate district. The criteria was we stay  
20 within the plus or minus 5 percent deviation  
21 from the ideal size in each district to  
22 comply with the one person, one vote  
23 requirement of the Constitution. And the  
24 other things, districts had to be contiguous,  
25 and we had to comply with all the state and



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1 federal laws including Section 2 of the  
2 Voting Rights Act and all state laws and the  
3 State Constitution. We have done that. Our  
4 plan complies with all the state and federal  
5 and constitutional criteria.

6 Next we, of course, in the criteria, we  
7 said one person, one vote. As I said, we had  
8 a 5 percent deviation up or down either way.  
9 And we've done that.

10 When drawing the Senate districts, the  
11 Supreme Court has held that the district  
12 population should be as equal as practical.  
13 The Court has interpreted this to mean that a  
14 single legislature -- that a single state  
15 legislator has some leeway of 5 percent up or  
16 down. In our plan, the Hinds deviation size  
17 over the ideal size was for 4.95. And I  
18 think the lowest deviation is the ideal size  
19 of minus 4.98.

20 So you can see all of them meet  
21 constitutional and state requirements that  
22 resulted in a maximum overall deviation of 10  
23 percent. Now, the law requires that it be  
24 less than 10, and we are.

25 Due to the population changes, we had to

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1 collapse the district in southwest  
2 Mississippi, District 36, move to Smith and  
3 Rankin County area, which saw significant  
4 changes in population with population growth.  
5 The results in pairing incumbents,  
6 unfortunately, the only one I think the House  
7 has four pairs, we have one. And, by the  
8 way, that's not uncommon. We pretty much  
9 have one every 10 years. That's not anything  
10 new. People move.

11 But anyways, Senator Sojourner and  
12 Senator Butler both were paired -- they were  
13 paired against each other. In doing this, we  
14 maintain both Districts 37 and 38  
15 majority-minority districts to ensure  
16 compliance with the Section 2 Voting Rights  
17 Act which we have to comply with.

18 Next, we had on the criteria -- I think  
19 we had to make sure that we had contiguous  
20 districts or precincts and districts. So we  
21 did all that. We have done that with your  
22 help and with good committee work and with  
23 the help of peer, and, of course, a lot of  
24 people, especially peer helped us with our  
25 maps. Matter of fact, they helped everyone

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1 that wanted to go over there with their maps.  
2 They were very easy to work with and very,  
3 very nice to each and every one as far as I  
4 know.

5 The next thing we had to do is -- or the  
6 third thing was to comply with the Section 2  
7 of the Voting Rights Act. We've done that.  
8 You know, majority districts in the 2012  
9 plan, there were 15 minority districts and  
10 under our plan, there's 15 minority  
11 districts, so it's the same. In all minority  
12 districts -- and some people argue that  
13 point, but that is exactly what it is.

14 In all our minority districts, the  
15 minority voting strength is sufficient to  
16 afford the minority citizens an opportunity  
17 to elect the candidate of their choice. And  
18 that is very important in what we do. And  
19 for the State Senate, we're in compliance  
20 with Section 2 of that with this map and this  
21 bill.

22 State law, in traditional redistricting  
23 principle, state law calls for us to try and  
24 draw compact districts to cross country and  
25 precinct lines the least number of times

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1 that's possible. We've done that. We've  
2 done our absolute best to follow these  
3 principles in our plan.

4 Compactness is a big issue. Compactness  
5 is a real big issue as far as getting a map  
6 approved. The proposed plan maintains  
7 compact districts in comparison to the  
8 existing districts. We had to use the  
9 existing districts quite a bit.

10 By the way, I will -- while I'm telling  
11 you, there was one senator whose district did  
12 not change, and that was Senator Parks. Her  
13 district remained the same. Everyone else  
14 had to change because of the population  
15 shifts.

16 Next county and precinct splits. The  
17 proposed plan keeps close to the same number  
18 of whole counties as the last. It's 39  
19 versus 43. And as close as the same  
20 number -- it's also very close to the same  
21 number of split precincts. So we tried not  
22 to. There's all kind of things that you have  
23 to go by, and that was one of them.

24 There's also traditional redistricting  
25 principles, which factor in, and all of you

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1 need to know, and with one of those things  
2 being respect to the incumbents. And we did  
3 do everything we could to show total respect  
4 for all incumbents, and we tried to respect  
5 everyone as best we could.

6 An important consideration in developing  
7 the proposed plan was maintaining the  
8 political performance in each district. I  
9 think we've done that. The proposed plan  
10 maintains consistent Republican and  
11 Democratic performance throughout the state.

12 So I guess I've said all that to say all  
13 this. The proposed plan meets the  
14 redistricting criteria adopted by the  
15 committee. It complies with the one person,  
16 one vote requirement of the Constitution and  
17 all the districts are contiguous. It  
18 complies with Section 2 of the Voting Rights  
19 Act and adheres as closely as possible to the  
20 neutral redistricting principles in state  
21 law.

22 I think it's a really good plan. I  
23 think it's something that will if -- and it  
24 will -- I'm sure will end up in court. They  
25 always do. I feel like we probably will

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1 again. And, friends, let me tell you. I was  
2 here -- when I came in the first year, I was  
3 running for office immediately. We had two  
4 years back-to-back elections because a map  
5 was thrown together very quickly, and because  
6 of that fact, we had to have back-to-back  
7 elections.

8 Now. If you think running for office is  
9 hard, try doing it two years in a row. It's  
10 not very much fun. Matter of fact, I've  
11 wondered several times if I should even do it  
12 again. I put my heart, like all of you do,  
13 into the first time that I did, and thanks to  
14 the people, I was reelected.

15 I wanted to make sure, I wanted to try  
16 to protect all of you all I could and so did  
17 the committee. And with a lot of help from  
18 all of you, we put together, I think, a  
19 really good map. You do not, you do not, I  
20 promise you unless you're just a lot  
21 different from most, you do not want to run  
22 two years in a row.

23 So, Mr. President, I guess that's  
24 probably about all I can say. I've got --  
25 I'll be happy -- I understand there may be

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1 some amendments. So I'm yielding for  
2 amendments or questions.

3 MR. PRESIDENT: First, is Senator  
4 Simmons. For what purpose, sir?

5 SENATOR SIMMONS: Thank you,  
6 Mr. President. At the appropriate time, I  
7 have an amendment at the desk.

8 MR. PRESIDENT: Thank you.  
9 It's at the desk already, Senator  
10 Simmons?

11 SENATOR SIMMONS: Yes, Mr. President.

12 MR. PRESIDENT: Thank you. Thank you,  
13 Senator Simmons. We'll get to the  
14 amendments.

15 Senator McDaniel, for what purpose, sir?

16 SENATOR McDANIEL: Series of questions,  
17 Mr. President.

18 MR. PRESIDENT: Questions for you,  
19 Senator Kirby. Will you yield?

20 SENATOR KIRBY: I yield.

21 MR. PRESIDENT: Senator McDaniel is  
22 recognized.

23 SENATOR McDANIEL: Thank you,  
24 Mr. President. Senator Kirby, Mr. Chairman,  
25 I appreciate you yielding.

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1           And I, likewise, appreciate the work  
2   you've conducted on this now. And I very  
3   much enjoyed struggling with you for an  
4   awfully long time, so I appreciate it. But I  
5   have some questions, and it's going to take a  
6   few minutes. And I think you're the only one  
7   I can ask because it's my understanding that  
8   you drew these maps, right?

9           SENATOR KIRBY: Well, me and all of you  
10   and the committee.

11          SENATOR McDANIEL: Well, I want to get  
12   to that in a second because it was my  
13   impression, reading things in the press and  
14   reading comments, that it was our -- what I  
15   was told was that you were solely responsible  
16   for the maps.

17          SENATOR KIRBY: Well, I --

18          SENATOR McDANIEL: That's not correct?

19          SENATOR KIRBY: I was not solely  
20   responsible by any means, and I'll be glad to  
21   tell you why I say that.

22          First off, I'm not solely responsible  
23   because we have a committee that I involved  
24   quite a bit.

25          Second thing is we sent this after the



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1 maps were finished about three weeks ago, I  
2 would say. We sent the maps over to a law  
3 firm that hired experts, the same ones has  
4 done it for the last several times. And  
5 after the firm looks over it, then the  
6 experts looked over it to make sure that we  
7 were in compliance in every way.

8 So yeah, I can't say -- I can't take the  
9 credit and I can't take all the blame because  
10 there were --

11 SENATOR McDANIEL: Yes, sir.

12 SENATOR KIRBY: Every senator, Senator,  
13 every senator was talked to and shown a map,  
14 and we asked them for their wish list of what  
15 they wanted and what they did not want. And  
16 knowing that we had the 65,000 people that we  
17 had to do -- over 65,000 that we had to do  
18 something with in the Delta, plus we knew  
19 that some other areas had really grown, and  
20 we knew that the city of Jackson, as an  
21 example, had lost so many people, we knew  
22 that there was going to have to be a shift.  
23 And as I said earlier, that's not anything  
24 new, as you know. You've been here, I think,  
25 through a portion of a reinforcement.

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1 And it's just really difficult to try to  
2 do the best you can for everyone to make  
3 everyone happy. There's absolutely no way,  
4 but I promise you that the committee and I  
5 with the help of peer and others, you know,  
6 we did all we could to make it fair -- fair,  
7 but something that would stand up in court.

8 SENATOR McDANIEL: Yes, sir, here's the  
9 thing. The full committee -- it's my  
10 understanding, and you tell me if I'm wrong,  
11 but it's my understanding the full committee  
12 did not see the completed map until just two  
13 days ago. Is that an accurate answer or no?

14 SENATOR KIRBY: That's not an accurate  
15 answer.

16 SENATOR McDANIEL: Okay, so you're  
17 telling me the committee -- so you're telling  
18 me the committee, the 10 members of the  
19 committee or however many members, that they  
20 had an ongoing active role in drafting the  
21 final map, they saw it the whole time, helped  
22 you draft it?

23 SENATOR KIRBY: No.

24 SENATOR McDANIEL: Okay. Then --

25 SENATOR KIRBY: I've been doing this for

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1 a year -- almost a year, and there is no way  
2 that I was going to ask them to come up here  
3 in the summer.

4 SENATOR McDANIEL: Right.

5 SENATOR KIRBY: There was no way when  
6 we're not in session. But we did have nine  
7 hearings. We got all of them's opinion. We  
8 got everyone's opinion in this chamber as to  
9 what they wanted and what they thought would  
10 be fair.

11 SENATOR McDANIEL: Yes, sir.

12 SENATOR KIRBY: As far as the committee,  
13 I would have them over one at a time several  
14 times. I had them over, like, two or three  
15 days ago, maybe three days ago. I can't  
16 remember now. It's all run together.

17 And to be honest with you, no, I didn't  
18 have them all at once because I was afraid  
19 that someone would say that the subcommittee,  
20 which I don't think would have been against  
21 the law, but didn't have an open hearing and  
22 didn't do all these things. So I had them  
23 over two or three at a time. One time, it  
24 was four at a time. I was trying to go  
25 strictly by the law to make sure there wasn't

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1 any problems.

2 And then, they all knew, every one of  
3 them knew when we went into the meeting  
4 exactly what the map was. There wasn't a  
5 single member that did not know what was on  
6 that map.

7 SENATOR McDANIEL: Yes, sir. So just so  
8 I'm clear, if committee members told me that  
9 they only saw the final map two days ago,  
10 then they told me something that was  
11 mistaken. They have misled me. Is that what  
12 you're suggesting?

13 SENATOR KIRBY: I'm not saying anyone  
14 misled you, by any means. I'm just -- I  
15 can't think of any time -- every time any of  
16 them asked -- well, no, every time anyone in  
17 this chamber asked me to look at a map, I  
18 showed it to them.

19 There were -- there were members that  
20 asked me about their precincts and theirs,  
21 but I didn't tell them everything because I  
22 didn't think they had any business knowing  
23 until the proper time. I wanted the  
24 committee to look at it first. All committee  
25 members have seen it. I asked each and every

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1 one of them did they have a problem and would  
2 they support the map.

3 SENATOR McDANIEL: Okay.

4 SENATOR KIRBY: And so, no, I didn't  
5 have them all at once. I had them over a few  
6 at a time. Whether it was two or three days.  
7 ago, I can't remember that. I mean, at  
8 different times. Some of them before two or  
9 three days ago, and some, possibly a couple  
10 of them, two or three days ago.

11 SENATOR McDANIEL: Yes, sir.

12 SENATOR KIRBY: But then, I was asking  
13 them, are you happy with this, and every one  
14 of them said yes.

15 SENATOR McDANIEL: Well, I get that.  
16 I'm just trying to understand the  
17 discrepancies I seem to be hearing from the  
18 chamber. I'm hearing from quite a few of my  
19 colleagues they did not see the completed map  
20 until two days ago, and you're saying now  
21 that is not the case. And if that's the  
22 answer, we'll move on to the next questions.  
23 But that is not what I've been told. That's  
24 not what I've been told.

25 SENATOR KIRBY: Okay. Well, each and

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1 every one had the opportunity any time they  
2 wanted to to see it.

3 SENATOR McDANIEL: Yes, sir.

4 I'm curious. A few more questions. Did  
5 the lieutenant governor have any input in  
6 drawing these maps?

7 SENATOR KIRBY: No.

8 SENATOR McDANIEL: None whatsoever?

9 SENATOR KIRBY: The lieutenant governor  
10 actually came over when we first got started  
11 to see the process. He came over, and we  
12 showed him -- at that time, we were on the  
13 small screen, and thanks to Senator O'Brien,  
14 who suggested we put it on a large screen.  
15 He came over then in the very beginning  
16 before we actually started doing any of the  
17 work. He came over again later, maybe in  
18 January, first of February, I can't remember.  
19 And, at that time, he just wanted to know how  
20 we were coming. He did not suggest any  
21 changes to anything at that time. And then,  
22 he came after we finished. Well, not really.  
23 We were almost finished. I changed  
24 something. He did not.  
25 He didn't -- to my knowledge, didn't

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1 suggest any changes to this map. And to  
2 blame the lieutenant governor of this is  
3 totally wrong.

4 SENATOR McDANIEL: Okay.

5 SENATOR KIRBY: He did not -- if you're  
6 trying to do that, you're out of line because  
7 he did not. And I don't know who told you  
8 that, but they lied to you.

9 SENATOR McDANIEL: Well, maybe I am, but  
10 it's my understanding that his staff and the  
11 lieutenant governor did have some influence  
12 on the map, and you seem to have conceded  
13 that just a moment ago when you said he did  
14 not make any suggestions at that time. Then  
15 you backtracked and told me, "Well,  
16 nevermind, he didn't make any." So you're  
17 telling me -- and I just want to be clear.  
18 If the answer is he didn't --

19 SENATOR KIRBY: No.

20 SENATOR McDANIEL: -- I'm okay with  
21 that. But did he not have any influence on  
22 this map whatsoever?

23 SENATOR KIRBY: No.

24 SENATOR McDANIEL: Okay.

25 SENATOR KIRBY: And you asked me about

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1 staff and I'll --

2 SENATOR McDANIEL: Okay. That's fine.

3 If that's your answer, I'm fine with that.

4 SENATOR KIRBY: Let me tell you the  
5 answer to that is we had several senators  
6 that went to our Chief of Staff, most all,  
7 and recommended some changes. And he told me  
8 those changes that they had recommended, and  
9 most of them they had already told me anyway.

10 SENATOR McDANIEL: Okay. Well, I guess  
11 it's fair to say, then, that the buck stops  
12 with you and the committee. Is that fair?

13 SENATOR KIRBY: Well, no, the buck stops  
14 with the district courts.

15 SENATOR McDANIEL: When it comes to  
16 redistricting. Okay.

17 SENATOR KIRBY: And especially it will  
18 stop with the courts if anyone files suit,  
19 and I expect that. It always has to happen,  
20 and I think it will again.

21 SENATOR McDANIEL: Well, then, if that's  
22 the case, I do have some questions about the  
23 map. How many --

24 SENATOR KIRBY: We put it right there  
25 beside you so you can see.



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1 SENATOR McDANIEL: Yes, sir, I know.

2 I'm familiar. I'm familiar.

3 (Laughter.)

4 SENATOR McDANIEL: How many  
5 majority-minority districts does this map  
6 contain?

7 SENATOR KIRBY: Well, we had 15 and we  
8 still have 15. In the 2012 plan, we had 15  
9 and we still have 15. But that's minority,  
10 but that's not necessarily all the  
11 Republicans. We have a couple -- I know of  
12 one district in particular that has a  
13 Democrat that the minority is the minority.  
14 I mean, the minority -- I'm sorry, the  
15 majority, has more votes than the minority in  
16 a Democratic district.

17 SENATOR McDANIEL: I'm sorry. I was  
18 having a hard time hearing you at the end. I  
19 apologize.

20 SENATOR KIRBY: Okay. We have one  
21 particular district in Northeast Mississippi,  
22 where there are -- where the percentage of  
23 minority for this Democrat is in the  
24 minority. In other words, there are more  
25 people that aren't minority in that district

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1     than there are majority. But he's a  
2     Democrat.

3           SENATOR McDANIEL: Right. Well, let's  
4     just -- let me just -- so we understand it  
5     from the standpoint of the Voting Rights Act.  
6     Presently, today we have in this map 15  
7     majority-minority districts; is that correct?

8           SENATOR KIRBY: That's correct.

9           SENATOR McDANIEL: Okay. Ten years ago,  
10    when we went through this process, just prior  
11    to going through that process, we only had 13  
12    majority-minority districts, correct?

13          SENATOR KIRBY: I'm not sure about that.  
14    I can tell you that in the last few years, we  
15    picked up three more Republican districts.

16          SENATOR McDANIEL: No, I'm not talking  
17    about Republican districts. I'm talking  
18    about just majority-minority districts. We  
19    had 13 prior to the 2010 redrawing.

20          SENATOR KIRBY: I'm not sure about that.  
21    I can ask.

22          SENATOR McDANIEL: Okay. I understand.  
23    That's okay.

24          SENATOR KIRBY: But all I know is in  
25    2012, we had 15, today we have 15 on this

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1 map.

2 SENATOR McDANIEL: Right. The point is,  
3 is that if we did increase by two on one of  
4 our last justice precleared maps, if justice  
5 said at one point that 13 majority-minority  
6 districts were sufficient, then why wouldn't  
7 14 be sufficient with this map?

8 SENATOR KIRBY: Well, you know, what --  
9 you're talking about in population or are you  
10 talking about election?

11 SENATOR McDANIEL: No, sir. Just  
12 basically the number of majority-minority  
13 districts on the Senate side.

14 SENATOR KIRBY: And all I've been  
15 told -- and I'll be glad to ask, but we had  
16 15 in 2012 and we have 15 today.

17 SENATOR McDANIEL: All right. Why must  
18 we have 15 majority-minority districts?

19 SENATOR KIRBY: I've been told that once  
20 a minority district, it has to continue to be  
21 a minority district.

22 SENATOR McDANIEL: Are there no  
23 exceptions to that?

24 SENATOR KIRBY: Not to my knowledge.

25 SENATOR McDANIEL: So in each of those

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1 districts, and I just want to be clear about  
2 this --

3 SENATOR KIRBY: I mean, well, there is  
4 an exception. It can change.

5 SENATOR McDANIEL: Right.

6 SENATOR KIRBY: A Republican can win it.

7 SENATOR McDANIEL: There are 15, and in  
8 each of those districts, then, we set --  
9 we -- I'm sure we had to have set some sort  
10 of racial target, correct?

11 SENATOR KIRBY: You mean as far as  
12 number or percentage? What are you talking  
13 about?

14 SENATOR McDANIEL: Yes, sir. In each of  
15 those 15 majority-minority districts, the  
16 state of Mississippi, it appears to be  
17 setting a racial target in those districts.

18 Is that accurate?

19 SENATOR KIRBY: Well, we have some that  
20 have very low BVAPs, if that's what you're  
21 asking, yes.

22 SENATOR McDANIEL: So we  
23 intentionally -- we had a racial target to  
24 increase that BVAP number to a certain  
25 number, correct?

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1           SENATOR KIRBY: We had to get it so that  
2 it was a minority district. That's correct.

3           SENATOR McDANIEL: Right. But what's  
4 the target number?

5           SENATOR KIRBY: I don't -- well, that's  
6 hard to say, but I can tell you that we've  
7 got -- okay, I'm just told there were no  
8 targets.

9           SENATOR McDANIEL: I'm sorry?

10          SENATOR KIRBY: There are no targets.  
11 When we were putting this map together, it  
12 had to be more than 50 percent.

13          SENATOR McDANIEL: All right.

14          SENATOR KIRBY: And that's what we did.  
15 We've got one minority district that's 54.

16          SENATOR McDANIEL: Okay. I know you're  
17 getting whispered at. I know that can be  
18 confusing.

19          SENATOR KIRBY: Well, now, it's the  
20 truth.

21          SENATOR McDANIEL: I'm not trying to  
22 confuse you. It's a simple question. There  
23 are 15 majority-minority districts.

24          SENATOR KIRBY: Yes. There are.

25          SENATOR McDANIEL: And it's my

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1 understanding we set in those districts some  
2 form of racial target.

3 SENATOR KIRBY: 50 percent.

4 SENATOR McDANIEL: Okay. So the racial  
5 target in each of those districts is 50  
6 percent, correct?

7 SENATOR KIRBY: That's what we looked  
8 at, yes.

9 SENATOR McDANIEL: Okay.

10 SENATOR KIRBY: It had to continue to be  
11 a minority district.

12 SENATOR McDANIEL: But why 50 percent in  
13 each of those 15 districts?

14 SENATOR KIRBY: Because we -- the  
15 federal government -- I'll ask.

16 Okay. The attorney tells me there was  
17 no target. We had to comply with Section 2.  
18 And that's all we're trying to do. There was  
19 no target, but we tried if it was a minority  
20 district to make sure they had above 50  
21 percent.

22 SENATOR McDANIEL: So a minute ago,  
23 there was a target of 50 plus one. The  
24 attorney gets up and now there's not a target  
25 of 50 plus one. Is that the answer?

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1           SENATOR KIRBY: Well, we were -- what he  
2   was telling me is we didn't -- when we first  
3   started putting this map together, that we  
4   looked at -- well, when we first started  
5   looking, we looked at the Delta area because  
6   they lost -- all the river counties pretty  
7   much lost population. And we were trying to  
8   maintain those districts.

9           SENATOR McDANIEL: Fifty plus one was  
10   your answer earlier. That was your target  
11   answer, 50 plus one.

12          SENATOR KIRBY: That was my personal.

13          SENATOR McDANIEL: Okay.

14          SENATOR KIRBY: That's not --

15          SENATOR McDANIEL: Well, you're the one  
16   that helped draft the map.

17          SENATOR KIRBY: I did have --

18          SENATOR McDANIEL: Fifty plus one is the  
19   target answer.

20          SENATOR KIRBY: And I'm very proud  
21   of that.

22          SENATOR McDANIEL: So just --

23          SENATOR KIRBY: And I think every  
24   minority as well as all but a handful of the  
25   majority.

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1           SENATOR McDANIEL: Just so I'm clear,  
2     those 15 districts were sorted.

3           Senator Kirby, just so I'm clear, those  
4     15 districts were sorted on the basis of  
5     race, were they not?

6           SENATOR KIRBY: Once a minority  
7     district, we tried to maintain it as a  
8     minority district.

9           SENATOR McDANIEL: So they were sorted  
10    based on race, correct?

11          SENATOR KIRBY: Once a minority  
12    district, we tried to keep them as a minority  
13    district.

14          SENATOR McDANIEL: I'm going to take  
15    that as a yes, Senator Kirby, and I  
16    appreciate that.

17          Did you run a statistical analysis on  
18    any of those districts to determine the  
19    degree of racially polarized voting?

20          SENATOR KIRBY: Yes, there was analysis  
21    by our experts, yes, to make sure that we  
22    were in compliance with all the criteria.

23          SENATOR McDANIEL: So there was analysis  
24    ran by your experts as to those 15  
25    majority-minority districts, and that



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1 analysis took into consideration the degree  
2 of racially polarized voting.

3 SENATOR KIRBY: The experts looked at  
4 the map and studied it -- not expert, but  
5 experts -- to make sure we were in  
6 compliance, yes.

7 SENATOR McDANIEL: Can we see it? The  
8 attorney is right behind you. I'm sure he  
9 has it at some point. I'd like to see that  
10 if possible.

11 SENATOR KIRBY: I'm not sure what you're  
12 asking for.

13 SENATOR McDANIEL: He just told you they  
14 conducted a study trying to demonstrate or  
15 document the racially polarized voting  
16 patterns of these 15 majority-minority  
17 districts. Now he seems to be indicating he  
18 doesn't have the study. I'm just trying to  
19 get a copy of it.

20 SENATOR KIRBY: Do not have it with us,  
21 but we certainly do have it, he says.

22 SENATOR McDANIEL: When can I see it?

23 SENATOR KIRBY: I don't know that. Hold  
24 on, I'll have to ask. I have no idea.

25 SENATOR McDANIEL: It's a big deal.

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1 It's a big issue. I think this body is  
2 entitled to see that right now.

3 SENATOR KIRBY: I'm told after the  
4 process is over, you'll be welcome to see it.

5 SENATOR McDANIEL: You mean after we  
6 vote --

7 SENATOR KIRBY: That's right.

8 SENATOR McDANIEL: -- and after it's set  
9 in stone, then we get to see the data that  
10 can be conclusive --

11 SENATOR KIRBY: Well, we've got the --  
12 we've got all that.

13 SENATOR McDANIEL: No, sir, you do not.

14 SENATOR KIRBY: You're not going to see  
15 it. Now you're asking about what the  
16 expert --

17 SENATOR McDANIEL: I just want to see  
18 the data.

19 SENATOR KIRBY: I didn't talk to the  
20 experts. I don't even know who the experts  
21 are. I just know that they -- that the law  
22 firm hired experts that do maps all over the  
23 country. And they're very reputable and  
24 they're supposedly what I'm told done a good  
25 job. And did a good job. And, obviously,

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1 they thought that we did because there wasn't  
2 really any recommendations. They thought  
3 that our map was so well done that it would  
4 stand up in court.

5 SENATOR McDANIEL: I'm going to have to  
6 assume that study doesn't exist.

7 SENATOR KIRBY: Well, it definitely  
8 does.

9 SENATOR McDANIEL: Okay.

10 SENATOR KIRBY: I don't think our  
11 attorneys and peer would lie to me.

12 SENATOR McDANIEL: I think the  
13 attorneys --

14 SENATOR KIRBY: I don't think they would  
15 lie to you either. I don't think they would  
16 lie to anyone.

17 SENATOR McDANIEL: I'm not saying people  
18 are lying, but lawyers have different ways of  
19 answering questions, as you know, and I'm  
20 suggesting he knows exactly what I'm talking  
21 about. And we need to see that data. We  
22 need to see that data.

23 SENATOR KIRBY: As soon as the process  
24 is over, Senator, you're welcome to it.

25 SENATOR McDANIEL: A few more questions,

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1     which, by the way, I understand that. But  
2     once we vote (inaudible), it's not going to  
3     be very beneficial to this body.

4             SENATOR KIRBY: Okay.

5             SENATOR McDANIEL: As to population  
6     trends in the state, I'm curious. The  
7     African-American population in Mississippi,  
8     has the population increased or decreased  
9     over the last 10 years?

10            SENATOR KIRBY: You know, I didn't add  
11     it all up, but I know it has increased. I  
12     just don't know the percentage.

13            SENATOR McDANIEL: Any idea where those  
14     primary decreases occurred?

15            SENATOR KIRBY: Where they -- I mean, as  
16     far as -- you're talking about births or  
17     moving or what are you talking about?

18            SENATOR McDANIEL: I'm just talking  
19     about the population as a whole. If we're  
20     talking about the minority population in this  
21     state, specifically African-Americans,  
22     whether it has decreased the last 10 years or  
23     increased over the last 10 years.

24            SENATOR KIRBY: I'm told it pretty much  
25     stayed the same. Senator, the reason I

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1 didn't know the answer to that is because I  
2 wasn't looking at the whole state when I  
3 first did it. I was looking at each area,  
4 making sure that we're complying with Section  
5 2, voting rights.

6 SENATOR McDANIEL: Right. But the  
7 attorney's answer is that the minority  
8 population stayed about --

9 SENATOR KIRBY: Stayed about the same.

10 SENATOR McDANIEL: Stayed the same.

11 SENATOR KIRBY: And that makes sense  
12 because we had 15 in 2012 in districts and we  
13 have 15 today.

14 SENATOR McDANIEL: All right. Let's  
15 talk specifically for a few minutes about  
16 District 37. Your position was earlier when  
17 explaining the bill that District 37 had to  
18 be collapsed.

19 SENATOR KIRBY: Had no choice.

20 SENATOR McDANIEL: Right.

21 SENATOR KIRBY: The best of my  
22 knowledge, and the best with talking to  
23 members as well as the committee, they all  
24 agreed when I talked to them about it.

25 SENATOR McDANIEL: So the position of

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1 the committee, your position was that  
2 District 37 had to be collapsed.

3 Let me ask you specifically though, not  
4 just the conversations with the committee  
5 members. Why? Why did it have to be  
6 collapsed?

7 SENATOR KIRBY: As I -- you heard the  
8 opening statements, and I told you that all  
9 of the river counties lost population. So  
10 when you lose -- when you lose population in  
11 the Delta, over 65,000 people, you gain -- on  
12 the other side of the state, you gained in,  
13 like, Oxford, in Lafayette County. And you  
14 gain in other counties. And then you had a  
15 few that lost. When you -- and Jackson had  
16 lost so much population they had to move --  
17 some moved south, even some had to go up into  
18 Madison County a little to maintain those  
19 districts.

20 And so when you did that funnel, it  
21 actually went to Southwest Mississippi. I  
22 mean, Rankin County area or the Jackson metro  
23 area grew so much. To maintain, to make --  
24 to maintain the majority-minority in those 15  
25 districts, that's the only way we could do

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1 it. And I wasn't happy about that. On my  
2 first time there I said I wish that no one  
3 would have to run against each other.

4 Senator, when I was telling you earlier  
5 about when I came here that year, we had  
6 three good senators that sit back in the back  
7 that ran against each other. We had -- I  
8 think it was a total of eight pairings, all  
9 ended up being defeated before it was over  
10 because we let the judges or the courts draw  
11 the maps instead of ourselves. And I told  
12 them, that's what I want to make sure of. I  
13 want to make sure that if we can -- that we  
14 don't have a lot of senators running against  
15 each other. I want to make sure that it's  
16 fair and meets all the guidelines and I think  
17 we've done that. But when you did the  
18 funnel, it went to the southwest part of the  
19 state.

20 SENATOR McDANIEL: So based on the  
21 answer I just heard, you're suggesting that  
22 it would be impossible to retain the present  
23 configuration of District 37?

24 SENATOR KIRBY: Oh, I'm sure -- no, I  
25 didn't say that. I didn't say that at all.

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1           SENATOR McDANIEL: So it would be  
2 possible to retain it.

3           SENATOR KIRBY: Well, you could. Now,  
4 you may lose your district when we do or he  
5 may lose his or someone else. But I'm not  
6 saying that.

7           SENATOR McDANIEL: I'm curious then --

8           SENATOR KIRBY: But the way it numbered  
9 and the way the flow was of the population  
10 shifts, we didn't have any choice.

11          SENATOR McDANIEL: And I'm curious about  
12 that because you mentioned earlier that this  
13 was not a pleasant experience, that you did  
14 not like this, and you mentioned that it  
15 would be difficult. But if I were able to  
16 show you a map here in a few minutes that  
17 retained these members and their BVAPs and  
18 retained all --

19          SENATOR KIRBY: For all senators --

20          SENATOR McDANIEL: And did -- yes.

21          SENATOR KIRBY: For all senators?

22          SENATOR McDANIEL: Yes. Throughout  
23 District 37, would you --

24          SENATOR KIRBY: Well, can I ask you a  
25 question?



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1 SENATOR McDANIEL: Would you --

2 SENATOR KIRBY: How long did it take you  
3 to draw that map? Can I ask that?

4 SENATOR McDANIEL: Yeah, you can. I  
5 don't mind answering that. I took the data  
6 that was there and we drew a map.

7 SENATOR KIRBY: The data from the old?

8 SENATOR McDANIEL: No, sir. We decided  
9 to go with everything that you did.

10 SENATOR KIRBY: Then you've only had it  
11 two days, then.

12 SENATOR McDANIEL: We drew a map --

13 SENATOR KIRBY: You've only had it two  
14 days because it's only been two days ago.

15 SENATOR McDANIEL: I'm going to show you  
16 the map later. The point is we were able to  
17 secure District 37, maintain the BVAPs of  
18 every Republican in the state. I maintained  
19 consistency of all the districts in the  
20 state.

21 SENATOR KIRBY: I'm telling you  
22 according to everyone that I worked with and  
23 the experts, there is no way that you can  
24 draw a map like you're talking about in two  
25 days and some of these people not be running

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1 against each other. There is no way.

2 SENATOR McDANIEL: Well, here's the  
3 thing. We already have people in here  
4 running against each other. What if I  
5 suggest --

6 SENATOR KIRBY: We have one.

7 SENATOR McDANIEL: Right. And what if I  
8 told you --

9 SENATOR KIRBY: So you don't want that  
10 one. You want somebody else running against  
11 him.

12 SENATOR McDANIEL: Well, just so we're  
13 clear, no, sir. No, sir. Hey, we'll talk  
14 about that.

15 The question is this, if I can show you  
16 that map at some point during the course of  
17 this debate --

18 SENATOR KIRBY: I would vote against it.

19 SENATOR McDANIEL: Okay. I thought so.

20 SENATOR KIRBY: I will vote against it  
21 because of the fact that it hasn't been  
22 cleared. It hasn't been through the expert.  
23 And I don't think you know more than the  
24 experts that do it all --

25 SENATOR McDANIEL: Maybe not. Maybe

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1 not. Maybe not. I don't want to be trading  
2 resumés, but I've been down this path a few  
3 times. We'll talk about that later as well.

4 Now, speaking as to District 37, I'm  
5 curious. The -- your experts, do they do an  
6 analysis --

7 SENATOR KIRBY: Yes.

8 SENATOR McDANIEL: -- of -- no, no, of  
9 racial voting patterns in the territory that  
10 now comprises District 37?

11 SENATOR KIRBY: Yes.

12 SENATOR McDANIEL: Okay. Do they --  
13 tell me what they found as far as the  
14 characteristics of racially polarized voting.  
15 What were the findings?

16 SENATOR KIRBY: I haven't seen that.  
17 I'm just knowing what they told me. I told  
18 you I haven't seen it nor has anyone else.  
19 He says we had a high degree of polarized  
20 racial voting.

21 SENATOR McDANIEL: What percentage?

22 SENATOR KIRBY: Very high.

23 SENATOR McDANIEL: Okay. So the present  
24 configuration of District 37 has never, ever,  
25 as I understand it, been in an election

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1 because it's a brand new district. So I  
2 guess your experts would have had to drill  
3 down to local elections and municipalities  
4 and cities and counties to determine this  
5 lack of -- or this racial polarization. So I  
6 really need to see that data on 37, if  
7 possible.

8 SENATOR KIRBY: Well, I don't have it  
9 with me, but I can assure you that what they  
10 have recommended and what the committee has  
11 recommended is a very good map that meets all  
12 guidelines.

13 SENATOR McDANIEL: District 37 now has a  
14 black voting age population of 61 percent.  
15 Before --

16 SENATOR KIRBY: Can I interrupt you  
17 there and say that's true? Of course, that  
18 district you're talking about 36 or 37, in  
19 the last 44 years was a Democratic district.  
20 It's one of the weakest Republican-held  
21 districts that we have at this time, as you  
22 know.

23 SENATOR McDANIEL: Senator Kirby, if  
24 that's the case, then there will not be any  
25 data of racially polarized voting power.

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1           SENATOR KIRBY: No, that's based on past  
2 elections. I'm not talking about the future.  
3 You're twisting things and you're not --

4           SENATOR McDANIEL: No, sir.

5           SENATOR KIRBY: -- getting anywhere.

6           SENATOR McDANIEL: The data is based on  
7 past election. So that's why I asked you had  
8 there been any studies on racially polarized  
9 voting in this district.

10          SENATOR KIRBY: Yes, yes.

11          SENATOR McDANIEL: Yes. And he claims  
12 yes, and it's really, really bad.

13          SENATOR KIRBY: Yes.

14          SENATOR McDANIEL: But you can't see it.  
15 And then you claim the African-American  
16 candidates have had great success in this  
17 district for the last 37 years.

18          So help me understand how the  
19 racially --

20          SENATOR KIRBY: I didn't say the last 37  
21 years.

22          SENATOR McDANIEL: Okay. The last  
23 several decades, whatever you said, they've  
24 been very successful.

25          SENATOR KIRBY: I didn't say that

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1 either.

2 SENATOR McDANIEL: Okay. You tell me  
3 what you said.

4 SENATOR KIRBY: What I said was that  
5 district has been one of the weakest --

6 SENATOR McDANIEL: For Republicans.

7 SENATOR KIRBY: -- as far as for the  
8 Republicans.

9 SENATOR McDANIEL: And one of the  
10 strongest for Democrats.

11 SENATOR KIRBY: You're talking about the  
12 district that we moved to Rankin County and  
13 Smith County?

14 SENATOR McDANIEL: No, sir, we're  
15 talking about the relative strength of the  
16 Democrats --

17 SENATOR KIRBY: I want to make sure  
18 we're talking about the same thing.

19 SENATOR McDANIEL: The relative strength  
20 of the Democrats in newly created District  
21 37, which has a BVAP of 61 percent, right?

22 SENATOR KIRBY: I'd have to look at see.  
23 I've got it. If you want me to show it to  
24 you, I'll be glad to.

25 SENATOR McDANIEL: Before the maps were

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1 drawn, District 37 had a BVAP of 37 percent.

2 SENATOR KIRBY: I'm sorry. Go ahead.

3 What was your question?

4 SENATOR McDANIEL: Okay. What --

5 SENATOR KIRBY: What do you want?

6 SENATOR McDANIEL: Okay. All right.

7 We'll go back. District 37 presently has a  
8 BVAP of 61 percent.

9 SENATOR KIRBY: Yeah.

10 SENATOR McDANIEL: Before the --

11 SENATOR KIRBY: I think that maybe  
12 dropped to 60.01 or 60.1.

13 SENATOR McDANIEL: It's over 60.

14 SENATOR KIRBY: It's 60.

15 SENATOR McDANIEL: Okay. We'll say 60.

16 That's fine. It has a BVAP of 60 percent.

17 Prior to it being erased or redrawn or  
18 whatever, it had to be a BVAP of 37 percent,  
19 correct?

20 SENATOR KIRBY: Hold on. I may have  
21 that. District 37, which was Jefferson,  
22 Copiah, Claiborne -- you're talking about new  
23 numbers, old numbers?

24 SENATOR McDANIEL: Yes, sir. Yes, sir.

25 Just comparing the two, where it was.

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1           SENATOR KIRBY: I think that was --  
2   we're looking at a --

3           SENATOR McDANIEL: This is going to take  
4   a long time. I want to ask the lawyer.

5           SENATOR KIRBY: Okay, I'm sorry. I  
6   didn't have those numbers with me.

7           SENATOR McDANIEL: That's fine. That's  
8   fine.

9           SENATOR KIRBY: 36 in a benchmark, the  
10   old plan. 36 was 62.88 and 37 was 37.6.

11          SENATOR McDANIEL: Yes, sir. So just so  
12   I'm clear. 37 percent prior to this map, and  
13   this map increases the BVAP to 60 percent?

14          SENATOR KIRBY: 60 percent. Yeah, it  
15   does and what -- is that what you're asking  
16   me?

17          SENATOR McDANIEL: I'm getting there.  
18   I'm getting there. But you can go ahead.

19          SENATOR KIRBY: Well, I'll be glad to  
20   tell you.

21          When you look at the areas around and  
22   what happened and all the others that came  
23   down, we had no choice as I told you before.  
24   Where are you going to put those people? We  
25   had to do it.



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1 SENATOR McDANIEL: And now you've got --

2 SENATOR KIRBY: We had no choice.

3 SENATOR McDANIEL: That had absolutely  
4 no choice?

5 SENATOR KIRBY: Not that I could find.

6 SENATOR McDANIEL: Okay. All right.  
7 And that choice would be under the criteria  
8 that you have to have a black voting age  
9 district or a majority-minority district  
10 there, correct?

11 SENATOR KIRBY: That district -- not  
12 number, but the district had to have a  
13 majority-minority district.

14 SENATOR McDANIEL: Yes, sir.

15 SENATOR KIRBY: It had to maintain the  
16 15 that we had. We're not just -- when you  
17 look at this, you need to look at more than  
18 one district or two districts or 10  
19 districts.

20 SENATOR McDANIEL: Yes, sir.

21 SENATOR KIRBY: You need to look at the  
22 whole state.

23 SENATOR McDANIEL: Yes, sir.

24 SENATOR KIRBY: And make sure that  
25 you're complying with all the laws.

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1           SENATOR McDANIEL: But I just want to be  
2 clear as to District 37, once again, we had a  
3 racial target as to District 37, and the  
4 target was it had to have a BVAP in excess of  
5 50 percent. That's correct, right?

6           SENATOR KIRBY: That's --

7           SENATOR McDANIEL: Oh, my goodness.

8           SENATOR KIRBY: And I've been told this  
9 several times. There was absolutely no  
10 target, and then we only had to comply with  
11 Section 2 of the Voting Rights Act. And  
12 that's what we were trying to do.

13          SENATOR McDANIEL: So just so I  
14 understand the lawyer's testimony, there's no  
15 target whatsoever, but we still have to have  
16 50 plus one to be a --

17          SENATOR KIRBY: But there's no --

18               (Simultaneous crosstalk.)

19          SENATOR KIRBY: I would think you would  
20 have to --

21          SENATOR McDANIEL: There is a target.  
22 The target is 50 plus one, correct?

23          SENATOR KIRBY: There's no target is  
24 what I'm told by the attorneys.

25          SENATOR McDANIEL: Okay. Well, if

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1 there's no target, then I don't guess it

2 would be a problem if we reduced that

3 district's BVAP down to, say, 46, would it?

4 SENATOR KIRBY: To maintain the 15, yes.

5 SENATOR McDANIEL: Why do you think that

6 you have to have a 50 plus one district to

7 have a majority-minority under the VRA? In

8 other words, as long --

9 SENATOR KIRBY: I don't know where you

10 went to school.

11 SENATOR McDANIEL: No, I can tell you --

12 SENATOR KIRBY: Less than 50 --

13 SENATOR McDANIEL: I'll read it to you.

14 In fairness, I always appreciate those

15 comments in here, and it doesn't bother me.

16 I did go to school, and I know this area very

17 well. And I can tell you right now I'm

18 looking at a copy of the Voting Rights Act.

19 And I'm also looking at a Supreme Court

20 decision from just four days ago where the

21 court once again is making it clear that

22 racial gerrymandering, that racial

23 gerrymandering is unconstitutional. And

24 that's precisely what this body is attempting

25 to do with District 37. So, yes, I've been

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1 to school, which explains why your lawyer  
2 keeps popping up here every five seconds.

3 SENATOR KIRBY: Well, first off, we did  
4 no racial gerrymandering, and then what the  
5 attorney just told me, we have complied, and  
6 you have to comply with Section 2, and we did  
7 that.

8 SENATOR McDANIEL: I will read Section 2  
9 to this body in just a few minutes if that's  
10 your position, and we will see whether or not  
11 common sense applies and whether or not your  
12 lawyer's advice is accurate. So, yeah, I've  
13 been to school.

14 SENATOR KIRBY: No, I didn't say have  
15 you been to school.

16 SENATOR McDANIEL: Yes, sir, I  
17 understand. I understand.

18 SENATOR KIRBY: I said I don't know  
19 where you went to school, but where I went to  
20 school --

21 SENATOR McDANIEL: I understand.

22 SENATOR KIRBY: -- above 50 is the  
23 majority --

24 SENATOR McDANIEL: I understand.

25 SENATOR KIRBY: -- and below 50 is

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1 minority.

2 SENATOR McDANIEL: The bottom line here  
3 just like the other 15 majority-minority  
4 districts, District 37 was sorted on the  
5 basis of race. Isn't that right, Senator  
6 Kirby?

7 SENATOR KIRBY: Repeat your question.

8 SENATOR McDANIEL: Just like the other  
9 15 districts that are majority-minority  
10 districts, District 37 was sorted on the  
11 basis of race. Isn't that correct, Senator  
12 Kirby?

13 SENATOR KIRBY: No.

14 SENATOR McDANIEL: All right, I get it.  
15 So we have to have 15 districts of 50 plus  
16 one, but 50 plus one isn't the target.

17 SENATOR KIRBY: We don't have a target.

18 SENATOR McDANIEL: The bottom line here  
19 as to every one of these districts' race was  
20 the predominant factor in drawing the 15  
21 majority-minority districts, wasn't it?  
22 Wouldn't it have to be?

23 SENATOR KIRBY: No.

24 SENATOR McDANIEL: You want to just go  
25 ahead and plead the Fifth?

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1 SENATOR KIRBY: I can do that.

2 SENATOR McDANIEL: Maybe Tommy could  
3 come up here and testify?

4 SENATOR KIRBY: No, but you're welcome  
5 to talk to him later.

6 SENATOR McDANIEL: I get it. It's okay.

7 SENATOR KIRBY: That's why we have an  
8 attorney to make sure that we're doing things  
9 properly.

10 SENATOR McDANIEL: Yes, sir, I  
11 understand. I understand.

12 Listen, I don't blame you for a second.  
13 I understand. I really do. You're a good  
14 man and I understand.

15 You said earlier that these maps always  
16 end up in court, right?

17 SENATOR KIRBY: Seems like every time  
18 since I've been here.

19 SENATOR McDANIEL: Yes, sir. And I  
20 think you're right about that. And that's  
21 probably why the attorneys back there, this  
22 map is probably going to end up in court one  
23 way or the other, correct?

24 SENATOR KIRBY: Probably one way or the  
25 other. They usually do.

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1           SENATOR McDANIEL: Okay. One more quick  
2 question and then we'll move to the  
3 amendments because this could go on forever,  
4 and I don't want to -- I know we're both  
5 getting tired, and I'm sorry.

6           SENATOR KIRBY: You're welcome to speak  
7 on it.

8           SENATOR McDANIEL: Yes, sir. Yes, sir,  
9 I will.

10           You mentioned compactness being a really  
11 big issue.

12           SENATOR KIRBY: It is.

13           SENATOR McDANIEL: In fact, compactness  
14 is one of the issues that the Voting Rights  
15 Act looks at to determine whether or not a  
16 district is permissible.

17           Senator Kirby, if you don't mind, the  
18 issue of compactness, I'm looking at District  
19 37.

20           SENATOR KIRBY: Yeah.

21           SENATOR McDANIEL: You would agree with  
22 me that's the least compact district on the  
23 entire map, isn't it?

24           SENATOR KIRBY: No. No.

25           SENATOR McDANIEL: From a geographical

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1 standpoint, just based on the eye test, it  
2 looks like 37 is the biggest district on the  
3 map.

4 Is that not the case?

5 SENATOR KIRBY: No.

6 SENATOR McDANIEL: Okay. Maybe we can  
7 take a better look at that later, but it  
8 looks like it is to me.

9 SENATOR KIRBY: It may be second or  
10 third or fourth.

11 SENATOR McDANIEL: Okay. I'll rest  
12 my -- I'll reserve questions for the  
13 amendments and debate at the proper time. I  
14 appreciate your patience with me, Senator  
15 Kirby.

16 SENATOR KIRBY: Thank you.

17 MR. PRESIDENT: Thank you, Senator  
18 McDaniel.

19 Senator Wiggins, for what purpose, sir?

20 SENATOR WIGGINS: A few questions.

21 MR. PRESIDENT: Senator Kirby, will you  
22 yield for questions?

23 SENATOR KIRBY: I yield.

24 MR. PRESIDENT: Senator Wiggins, you are  
25 recognized.



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1           SENATOR WIGGINS: Thank you, Mr.

2           President, Chairman Kirby.

3           With respect to my friend, Senator  
4           McDaniel, I just wanted to ask a couple of  
5           questions on the process.

6           SENATOR KIRBY: Yes, sir.

7           SENATOR WIGGINS: So the joint committee  
8           was appointed when, last year?

9           SENATOR KIRBY: Yeah. I can't remember  
10          the exact month. June, maybe.

11          SENATOR WIGGINS: And there were -- and  
12          there were hearings all across the state,  
13          were there not?

14          SENATOR KIRBY: We had nine hearings all  
15          across the state from the north to the south?

16          SENATOR WIGGINS: Okay. And those  
17          hearings were open to anybody, correct?

18          SENATOR KIRBY: That's correct. And we  
19          had them on the internet for people to see as  
20          well, those that couldn't make it.

21          SENATOR WIGGINS: Which if I'm not  
22          mistaken, it's probably the first time that's  
23          ever been done.

24          SENATOR KIRBY: It is.

25          SENATOR WIGGINS: And at those hearings,

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1 anybody could sign up, correct, to speak to  
2 the committee?

3 SENATOR KIRBY: Anyone that wanted to  
4 speak was welcome to speak. And, we told  
5 them at that time, anyone that wants to make  
6 any recommendations, do any maps, do anything  
7 they want to do, we gave them the number to  
8 call and to talk to you and where to submit  
9 any information they may have that would  
10 help.

11 SENATOR WIGGINS: And was it not  
12 explained that any member of the public in  
13 the state of Mississippi could make an  
14 appointment with the peer staff to go over  
15 and develop maps?

16 SENATOR KIRBY: That's correct.

17 SENATOR WIGGINS: So if you're Joe Blow  
18 from District 52 -- which by the way, is my  
19 district.

20 SENATOR KIRBY: It's a good one.

21 SENATOR WIGGINS: You could come up, you  
22 can make an appointment, sit down with the  
23 staff --

24 SENATOR KIRBY: Yes.

25 SENATOR WIGGINS: -- draw your own

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1 map --

2 SENATOR KIRBY: Yes.

3 SENATOR WIGGINS: -- provide the  
4 information that you want for that to be  
5 considered; is that right?

6 SENATOR KIRBY: That's correct. Or any  
7 of your constituents, as far as that goes.

8 SENATOR WIGGINS: Okay.

9 SENATOR KIRBY: Yes.

10 SENATOR WIGGINS: And those meetings  
11 were held in -- and I'm just going off of  
12 memory -- Gulfport, Hattiesburg, DeSoto  
13 County, Southwest Mississippi, correct?

14 SENATOR KIRBY: They were. You left  
15 Hattiesburg out and some others, but that's  
16 true. All over the state.

17 SENATOR WIGGINS: So those meetings were  
18 held across the state. And then at the end  
19 of last year, the redistricting committee  
20 met, I think in December.

21 SENATOR KIRBY: That's correct.

22 SENATOR WIGGINS: Where that was open to  
23 the public as well, correct?

24 SENATOR KIRBY: It was. And also on TV,  
25 if you want to watch it over the internet.

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1           SENATOR WIGGINS: And also any member of  
2 the legislature, correct?

3           SENATOR KIRBY: That's correct.

4           SENATOR WIGGINS: Okay. And that  
5 committee actually is formed by, if I'm not  
6 mistaken, two members from the congressional  
7 districts. So there's representation  
8 throughout the state; is that correct?

9           SENATOR KIRBY: That's correct.

10          SENATOR WIGGINS: Both on the House and  
11 the Senate?

12          SENATOR KIRBY: That's correct.

13          SENATOR WIGGINS: Okay. And so, then,  
14 any member starting in January could go and  
15 meet with the peer staff to go over any map  
16 that they felt was important.

17          SENATOR KIRBY: Yes, sir.

18          SENATOR WIGGINS: And that was four  
19 months ago.

20          SENATOR KIRBY: Yes, sir.

21          SENATOR WIGGINS: Now, when you're  
22 drawing the maps, and I didn't hear this in  
23 any of the questions, in addition to the  
24 majority-minority, there's other things such  
25 as communities of interest, is that correct,

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1 that you had to look at?

2 SENATOR KIRBY: That's right.

3 SENATOR WIGGINS: Can you please explain  
4 what that means?

5 SENATOR KIRBY: Well, choice of a  
6 candidate. We tried to draw districts so  
7 that the people in that area would have the  
8 choice of candidate and still comply with the  
9 Voting Rights Act.

10 SENATOR WIGGINS: But also you had  
11 communities of interest that you had to look  
12 at, and also you had to -- there's boundaries  
13 that you had to recognize; is that right?

14 SENATOR KIRBY: That's right.

15 SENATOR WIGGINS: Okay. And those are  
16 all actually dictated by law by precedents  
17 that -- years in the making, correct?

18 SENATOR KIRBY: That's correct.

19 SENATOR WIGGINS: Okay. And correct me  
20 if I'm wrong, but I don't envy you and the  
21 peer staff, but when you move one district,  
22 is it safe to say it affects everything else?

23 SENATOR KIRBY: Well, not everything  
24 else, but it affects a lot.

25 SENATOR WIGGINS: A lot.

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1           SENATOR KIRBY: You can move one  
2    district in DeSoto County and it can go to  
3    Biloxi. I mean, it's possible. When you  
4    start moving districts, then you -- you have  
5    problems.

6           SENATOR WIGGINS: So it's not just you  
7    can pick and choose. It's like if you move  
8    one, you have to address the other things  
9    surrounding it and so forth.

10          SENATOR KIRBY: All of those and all  
11    those that surround them, and so forth and so  
12    on.

13          SENATOR WIGGINS: So let's talk about  
14    the populations.

15          So the numbers represent that actually  
16    in, let's just say the Delta area, that Delta  
17    area lost close to 18 percent of the  
18    population, correct?

19          SENATOR KIRBY: They lost over 65,000  
20    people.

21          SENATOR WIGGINS: 65,000 people. Okay.

22          And then -- and I'll take my area, the  
23    Coast, increased population, the bottom three  
24    counties, by around 20 percent; is that  
25    correct?

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1 SENATOR KIRBY: That's right.

2 SENATOR WIGGINS: And then the DeSoto  
3 County area also grew; is that right?

4 SENATOR KIRBY: That's correct.

5 SENATOR WIGGINS: And I seem to recall  
6 10 years ago that DeSoto County actually  
7 gained a Senate seat because of the  
8 population increase.

9 SENATOR KIRBY: Absolutely, Senator. If  
10 you'll look at the map right now, you see  
11 District 1 and District 19, District 2  
12 because of that.

13 SENATOR WIGGINS: And so 10 years ago,  
14 the same, I guess, calculations had to be  
15 made.

16 SENATOR KIRBY: That's right.

17 SENATOR WIGGINS: And there were  
18 districts that had to be moved.

19 SENATOR KIRBY: That's correct.

20 SENATOR WIGGINS: And that's all a  
21 function of the population shifts in the  
22 state of Mississippi; is that right?

23 SENATOR KIRBY: That's right. And that  
24 happens every 10 years, not just 10 years  
25 ago. But I think if you go back in history,

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1 you'll see it every time.

2 SENATOR WIGGINS: And, again, my friend,  
3 Senator McDaniel, talked a lot about  
4 majority-minority districts. If we weren't  
5 following the law of that, what would be the  
6 ramifications?

7 SENATOR KIRBY: Well, as I said earlier,  
8 what'll happen, you can go to court, the  
9 courts rule in their favor, and we'll --  
10 courts will draw a map if you could be --  
11 well, I don't know if it should be run  
12 against your deskmate because that's me --  
13 but you might be running against the guy  
14 behind you or in front of you or wherever.  
15 Yeah, you do not want to run two years in a  
16 row. You do not want the courts drawing a  
17 map.

18 SENATOR WIGGINS: So we put it in the  
19 hands of an unelected judiciary appointed by  
20 presidents of the United States?

21 SENATOR KIRBY: Yes.

22 SENATOR WIGGINS: And, in fact, as I  
23 think Senator Bryan who's been a -- familiar  
24 with redistricting for a long time, pointed  
25 out that the maps that form the basis going



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1 back years was actually done by the courts;  
2 is that right?

3 SENATOR KIRBY: That's correct.

4 SENATOR WIGGINS: So we've dealt with  
5 being in front of the courts for years.

6 SENATOR KIRBY: That's correct.

7 SENATOR WIGGINS: And is it not better  
8 for the legislature to draw our own things?

9 SENATOR KIRBY: No doubt about it. No  
10 doubt about it. And that's why we've made  
11 every effort to make sure that what we have  
12 will stand up in court. And we're told that  
13 it will.

14 SENATOR WIGGINS: And we've already seen  
15 a couple -- and I think there's actually  
16 more -- of states across the country, their  
17 redistricting has gone to the Supreme Court  
18 and in one way or another, it's been  
19 rejected. Have you seen that?

20 SENATOR KIRBY: I heard of a statement.  
21 I didn't know it was a couple.

22 SENATOR WIGGINS: Okay. So have you  
23 heard any from the -- let me -- let me ask it  
24 this way: From what the map that you have,  
25 based on the experts and the data and the

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1 people that you've worked with and the peer  
2 committee has worked with, are you satisfied  
3 that this map will sustain -- will survive  
4 legal scrutiny?

5 SENATOR KIRBY: I am told that it will  
6 by the experts, by the attorneys, by a peer  
7 committee, by everyone that should know. The  
8 map experts say this is a good map that  
9 should uphold.

10 SENATOR WIGGINS: And the -- I'm sorry,  
11 I lost my train of thought. If it should go  
12 to court, then I guess the point I was making  
13 was it would be upheld, this map, because of  
14 everything that's been put into it.

15 SENATOR KIRBY: I'm told that it will.  
16 It will. It will be.

17 SENATOR WIGGINS: Okay.

18 SENATOR KIRBY: I feel sure it will be.  
19 We made every effort to make sure it would  
20 be. Every effort.

21 SENATOR WIGGINS: Okay.

22 SENATOR KIRBY: And that's why we had  
23 the experts. If we were not, we wanted to  
24 know. Whatever we needed to change to have  
25 this a solid plan, we wanted to make sure

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1 that it was.

2 SENATOR WIGGINS: And just -- my last  
3 question is on the committee that has adopted  
4 this and spent pretty much a year on this,  
5 you had Democrats, you had Republicans, and  
6 you had peer committees. And you had all  
7 this -- and you had the House and the Senate  
8 members.

9 SENATOR KIRBY: Yes.

10 SENATOR WIGGINS: Okay.

11 SENATOR KIRBY: Yes.

12 SENATOR WIGGINS: Speaking of the House,  
13 we're talking about a district in the Senate  
14 here that I guess two members are going  
15 against each other. But, in fact, there's  
16 two in the House plan that are not yet before  
17 us, but in the House plan, they've been  
18 collapsed as well; is that right?

19 SENATOR KIRBY: Yes, I think there are  
20 eight that are running against each other  
21 that are paired in the House.

22 SENATOR WIGGINS: Okay. And, in fact,  
23 on the House plan, because of the population  
24 shifts -- in fact, Harrison County gained a  
25 new seat, right?

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1           SENATOR KIRBY: I was told it did. I  
2 haven't seen -- I really haven't studied  
3 their map.

4           SENATOR WIGGINS: And I know we're not  
5 on that, but I'm making the comparison  
6 because --

7           SENATOR KIRBY: Oh, yeah.

8           SENATOR WIGGINS: -- it was pointed out  
9 in committee yesterday that I think Chairman  
10 Beckett said you -- they had to move a House  
11 district to compensate down on the Coast in  
12 Harrison County.

13          SENATOR KIRBY: That's right.

14          SENATOR WIGGINS: So the same thing had  
15 to be done, and you had to account for those  
16 things?

17          SENATOR KIRBY: That's right.

18          SENATOR WIGGINS: Okay. Well,  
19 Mr. Chairman, I appreciate the work that you  
20 put into this and the peer committee and  
21 everybody else that participated in this.  
22 Thank you.

23          SENATOR KIRBY: Thank you.

24          MR. PRESIDENT: Senator Wiggins.  
25 Senator Sojourner, for what purpose, ma'am?

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1           SENATOR SOJOURNER: Just a couple of  
2 questions.

3           MR. PRESIDENT: Senator, will you yield  
4 for questions?

5           SENATOR KIRBY: I yield.

6           MR. PRESIDENT: Senator Sojourner,  
7 you're recognized.

8           SENATOR SOJOURNER: Thank you,  
9 Mr. President. Thank you, Chairman Kirby.  
10 And I promise to keep this much shorter.

11           I just want to -- a couple of things. I  
12 remember I met with you and Mr. Booth a few  
13 weeks back when you, you know, allowed us to  
14 come over and look at the current district  
15 that we previously ran under.

16           SENATOR KIRBY: That's right.

17           SENATOR SOJOURNER: What the changes  
18 were and if we had any suggestions.

19           SENATOR KIRBY: Correct.

20           SENATOR SOJOURNER: At that time, in the  
21 district I currently ran under, y'all showed  
22 me that I moved from 34 percent BVAP to 37.6  
23 percent BVAP.

24           SENATOR KIRBY: Well, that was -- what  
25 we showed you, we hadn't changed the map.

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1 SENATOR SOJOURNER: That's what I'm --

2 SENATOR KIRBY: We were just looking at

3 your --

4 SENATOR SOJOURNER: That's right.

5 SENATOR KIRBY: -- existing district.

6 SENATOR SOJOURNER: That's right. In  
7 the existing district --

8 SENATOR KIRBY: And asked you for your  
9 wish list at that time.

10 SENATOR SOJOURNER: That's right.

11 SENATOR KIRBY: And what could we do.

12 SENATOR SOJOURNER: Yeah. The point I'm  
13 trying to make here is that in the current  
14 district I ran in, not your new proposed  
15 district, that the BVAP went from 34 to 37.6  
16 in those boundaries.

17 SENATOR KIRBY: That's what I  
18 understand.

19 SENATOR SOJOURNER: And also it's  
20 important to know that those numbers were  
21 within the population deviation that is  
22 required.

23 SENATOR KIRBY: That's right.

24 SENATOR SOJOURNER: Okay. And my  
25 comment was, "Well, if that's the case, then

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1 I would like to not change."

2 SENATOR KIRBY: And I understand that.

3 SENATOR SOJOURNER: However --

4 SENATOR KIRBY: And we had probably 10,  
5 15, no more than that that said the same  
6 thing. "My district is perfect. I don't  
7 need to change my district. Just leave it  
8 like it is."

9 SENATOR SOJOURNER: But do you remember  
10 me also stating to you and Mr. Booth, that I  
11 understood that some population changes to my  
12 north and south may require me to change  
13 marginally? I wanted to do it without moving  
14 my numbers greatly. Do you remember that?

15 SENATOR KIRBY: I do not, but that's  
16 because I've talked to 52 Senators, and I've  
17 talked to some of them as many as five times  
18 over there.

19 SENATOR SOJOURNER: I understand.

20 SENATOR KIRBY: So I can't remember  
21 everything everyone said.

22 SENATOR SOJOURNER: And that's why I  
23 wanted to clarify it before you today.

24 Just a couple of other quick things.

25 You stated previously that District 37

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1 for a while has been one of the weakest  
2 Republican-held districts in the state.

3 SENATOR KIRBY: Based on the elections.

4 SENATOR SOJOURNER: Not based on --

5 SENATOR KIRBY: Based on elections  
6 they've had 36, 37 out of the last 44 years.

7 SENATOR SOJOURNER: So let's talk about  
8 that. What do you think statistically makes  
9 a weak Republican district?

10 SENATOR KIRBY: Well, I would think that  
11 the -- make a weak one would be -- being in a  
12 majority-minority district would make it  
13 weaker. Also, having a candidate that people  
14 don't like, I guess, would make it weak. I  
15 don't know. There's lots of reasons that a  
16 district could be weak.

17 SENATOR SOJOURNER: Because it is true,  
18 we do have districts in the state where  
19 Republicans win at 40 percent. We have  
20 several of those.

21 SENATOR KIRBY: Yes.

22 SENATOR SOJOURNER: There are members in  
23 this chamber at 40 percent plus BVAP and win  
24 as Republicans.

25 So statistically, it is not one of the



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1 weakest Republican.

2 SENATOR KIRBY: Well, I don't know what  
3 that says other than 37 of the last 44 years  
4 that one --

5 SENATOR SOJOURNER: Would you say with  
6 me, though, that the previous Democrat that  
7 held the seat was in office for nearly 40  
8 years, and I think we all will agree was a  
9 holdover from the old Democrat train of  
10 thought? We'll leave that there.

11 SENATOR KIRBY: Yeah, you don't want me  
12 commenting on that one.

13 SENATOR SOJOURNER: No, I --

14 SENATOR KIRBY: You don't want to say  
15 that.

16 SENATOR SOJOURNER: He was an  
17 institution in himself.

18 SENATOR KIRBY: You don't want me to  
19 give you the answer to that.

20 SENATOR SOJOURNER: I will -- he was an  
21 institution in himself. I am strictly  
22 speaking to the statistical data that 37 is  
23 not one of the weakest Republican districts  
24 in the state.

25 I'll move on. I've got two more

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1 questions.

2 You stated a moment ago that the Delta  
3 had lost 65,000 people in population.

4 SENATOR KIRBY: I think it's over 65.

5 SENATOR SOJOURNER: So that is a little  
6 greater than a Senate district.

7 SENATOR KIRBY: Yes.

8 SENATOR SOJOURNER: So one would think  
9 if there was a need to collapse a district in  
10 the state, then it would probably occur in  
11 the area of the state where we lost 65,000  
12 people. Why was that not considered?

13 SENATOR KIRBY: I thought that's what we  
14 did.

15 SENATOR SOJOURNER: District 37 is not  
16 in the Delta.

17 SENATOR KIRBY: I'm sorry. It's a river  
18 county.

19 SENATOR SOJOURNER: Well, there's a  
20 difference in the Delta and the river  
21 counties. And the Delta lost 65.

22 SENATOR KIRBY: I can't remember. I  
23 don't have the numbers here. But have you --  
24 well, okay. Go ahead.

25 SENATOR SOJOURNER: So the Delta lost

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1 65,000.

2 SENATOR KIRBY: That's right.

3 SENATOR SOJOURNER: But it was not  
4 considered to collapse the district in the  
5 Delta.

6 SENATOR KIRBY: Again, we were going by  
7 Section 2 Voting Rights Act and the numbers  
8 and we had to retain the 15. And if you'll  
9 notice, most of those are.

10 SENATOR SOJOURNER: Would you agree with  
11 me that sitting in this particular seat might  
12 could be a curse a lot of times?

13 SENATOR KIRBY: Maybe.

14 SENATOR SOJOURNER: However, for today's  
15 debate, it has allowed me to participate in  
16 the hearing range of a lot of conversations.

17 Legal counsel -- Senator Kirby, I'm  
18 asking you if this is correct. Legal counsel  
19 repeatedly at times today has come to you and  
20 said there was no target, that we only looked  
21 at race to comply with Section 2.

22 Is that the advice that you received  
23 multiple times today from counsel?

24 SENATOR KIRBY: He told me -- he said  
25 there -- absolutely, there was no target, but

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1 we have to comply with Section 2 of the  
2 Voting Rights Act and give the people their  
3 choice of candidates.

4 SENATOR SOJOURNER: And that you had to  
5 look at race to comply was the advice that  
6 counsel has given.

7 SENATOR KIRBY: I think that would be  
8 important.

9 SENATOR SOJOURNER: The right -- I'm  
10 just asking, that's what counsel has said --

11 SENATOR KIRBY: Okay.

12 SENATOR SOJOURNER: -- several times to  
13 you today.

14 My last question. Senator Wiggins  
15 mentioned the House plan. It is true that  
16 they did collapse a district that involves a  
17 Republican. Do you know why that was done?

18 SENATOR KIRBY: I did not draw the --

19 SENATOR SOJOURNER: It was done because  
20 that Republican told the Speaker he was not  
21 running for office again.

22 I'll leave my further questions for a  
23 later time. Thank you for your time.

24 SENATOR KIRBY: Thank you.

25 If no further questions, ready for

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1 amendments.

2 MR. PRESIDENT: One moment, please,  
3 Senator. I think we have two.

4 Senator McDaniel, you're recognized for  
5 what purpose, sir?

6 SENATOR McDANIEL: Couple of follow-ups,  
7 Mr. President.

8 MR. PRESIDENT: Will you yield, Senator?

9 SENATOR KIRBY: Yes, sir.

10 SENATOR McDANIEL: Thank you,  
11 Mr. President.

12 MR. PRESIDENT: Senator McDaniel is  
13 recognized.

14 SENATOR McDANIEL: Mr. Chairman, Senator  
15 Wiggins earlier was discussing the  
16 possibility that litigation could be  
17 forthcoming, but we already established that  
18 litigation is more than likely going to  
19 happen in any event, correct?

20 SENATOR KIRBY: Well, I think the point  
21 was that we're probably going to have  
22 litigation and his question was, do we have a  
23 plan that will hold up in court and so the  
24 courts don't have to draw the map. And I  
25 agreed with him on that, that we do have.

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1           SENATOR McDANIEL: Ten years ago, they  
2   told us we had a plan that would hold up in  
3   court and that didn't work out too well, did  
4   it?

5           SENATOR KIRBY: Well, 10 years ago, I'm  
6   not sure about 10 years ago. Twenty years  
7   ago.

8           Okay. Since I wasn't involved in that,  
9   I needed to ask. And the answer to that is  
10  10 years ago, it did hold up in court, our  
11  plan.

12          SENATOR McDANIEL: Right. But --

13          SENATOR KIRBY: Ultimately, it did.

14          SENATOR McDANIEL: The litigation  
15  stands.

16          SENATOR KIRBY: Yeah.

17          SENATOR McDANIEL: When Senator Clark's  
18  District 22 was challenged, those changes  
19  were made as the result of litigation,  
20  correct?

21          SENATOR KIRBY: That's correct.

22          SENATOR McDANIEL: So just a point.  
23  Legal counsel told us then it was going to be  
24  okay, too, but it still wasn't. And that  
25  goes to show the ebb and the flow of this

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1 area of law.

2 SENATOR KIRBY: Yeah.

3 SENATOR McDANIEL: Now, to my next  
4 point, we don't have to go through the  
5 preclearance requirement ever again. And the  
6 reason for that is the Supreme Court has  
7 invalidated that part of the Voting Rights  
8 Act. So we don't have to worry about justice  
9 vetting our map, do we? That's correct,  
10 isn't it?

11 SENATOR KIRBY: I'm not sure about that.

12 SENATOR McDANIEL: I will represent to  
13 you that it is correct. So the concerns of  
14 somehow this map is going to find its way in  
15 a long battle that could somehow impact every  
16 single district is very, very unlikely  
17 because the Justice Department is no longer  
18 requiring a pre-clearance issue.

19 And just lastly --

20 SENATOR KIRBY: I think we have a very  
21 solid plan that will hold up in court.

22 SENATOR McDANIEL: Yes, sir. I think  
23 there's going to be quite a few amendments  
24 that might actually improve that plan in  
25 court, and I plan to offer them here in just

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1 a bit. Thank you.

2 SENATOR KIRBY: Thank you.

3 MR. PRESIDENT: Okay, thank you, Senator  
4 McDaniel.

5 Senator Parker, for what purpose, sir?

6 SENATOR PARKER: Just a few questions.

7 MR. PRESIDENT: Senator Kirby, will you  
8 yield for questions?

9 SENATOR KIRBY: Yes, sir.

10 MR. PRESIDENT: Senator Parker is  
11 recognized.

12 SENATOR PARKER: Thank you, Mr.  
13 President and thank you, Mr. Chairman on  
14 this. I appreciate your help.

15 And last time I was not here when we  
16 took this vote. But I just want to kind of  
17 share kind of -- just kind of my personal  
18 observation. I had the opportunity to serve  
19 with you on the redistricting committee on  
20 this.

21 SENATOR KIRBY: And I appreciate your  
22 help.

23 SENATOR PARKER: And after we got the  
24 map a few days ago in a printout form, I hung  
25 it up on the wall in my office, and I've had



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1 a few people come in, just to give an idea of  
2 what the process is like. And they've come  
3 in and they've looked at the map. And what  
4 I've found is that everyone, when they come  
5 in and look at the map, their eyes  
6 immediately go to their area. So when I look  
7 at the map, my eyes go to DeSoto County.  
8 When someone from the Coast looks at it,  
9 their eyes go there. So I think it's a  
10 natural kind of thing.

11 So as you go through this process, it's  
12 very difficult because it's easy to  
13 understand your area, but you have to be  
14 looking at the map as a whole.

15 SENATOR KIRBY: That's correct.

16 SENATOR PARKER: When I first ran for  
17 office, I ran in a special election. There  
18 was some redistricting that had been done,  
19 but had not been applied yet. And so -- are  
20 you aware that when I first ran for office,  
21 the population of the district that I was  
22 running to serve was over 100,000 people at  
23 that time? Would that surprise you?

24 SENATOR KIRBY: Not in DeSoto County,  
25 no, sir. It's one of the fastest growing

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1 counties, if not the fastest, in the state.

2 SENATOR PARKER: And so shortly after I  
3 was elected, the map that a previous body had  
4 voted on went into effect. And a good  
5 portion of my district was changed and a new  
6 district was added up in DeSoto County.

7 SENATOR KIRBY: That's correct.

8 SENATOR PARKER: And so as a result of  
9 that, at the next election, DeSoto County  
10 added, basically, a third senator that  
11 touched that district. That was one of my  
12 colleagues, Senator Blackwell.

13 And so as we've gone through the process  
14 this time, DeSoto County has again grown, and  
15 from the maps I've seen here, it looks like  
16 this time there will now be four Senators  
17 that touched DeSoto County.

18 And so my point on this is that the  
19 reason we go through the process of  
20 redistricting is that as population shifts  
21 occur throughout the state, the reason to  
22 redistrict is driven by the fact that in the  
23 Senate we have 52 senators, and our goal is  
24 to try to have each one of us 52 senators  
25 represent the same number of people.

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1     Wouldn't that be a correct --

2             SENATOR KIRBY: As close as possible.

3     It has to be as close as possible.

4             SENATOR PARKER: And, to that point, if  
5     you have DeSoto adding a number of people or  
6     the Coast or Rankin County adding, you have  
7     to find a way to navigate that; is that  
8     correct?

9             SENATOR KIRBY: That's a true statement.

10            SENATOR PARKER: And so as you look at  
11     just the district map in the northern part,  
12     which is, again, the part I understand, and  
13     you look and you see in your new proposed  
14     map, you know, where number one is and number  
15     two is and number three is, those numbers,  
16     there's a 19 up there in that area.

17            SENATOR KIRBY: Yes, sir.

18            SENATOR PARKER: So my understanding of  
19     that is at some point in time for a 19 to pop  
20     up in the area where all the ones, twos, and  
21     threes are, the 19 had to have come from  
22     somewhere. Is that a correct --

23            SENATOR KIRBY: That came from -- that  
24     was Senator Tim Johnson, a Republican. And  
25     if you'll notice, Senator, while you're

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1 looking at the maps, all the way down, you --  
2 I mean, the one north of me, I'm 30. The one  
3 north of me just touching mine is 20. The  
4 one right above him is 25. So over the  
5 years, they've done that. And that's because  
6 of population shifts. That's population --

7 SENATOR PARKER: And to your point on  
8 that, when we get to the very kind of most  
9 southern, southeastern kind of tip over  
10 there, that's where the 51s and 52s are. I  
11 can't see from here, but I think --

12 SENATOR KIRBY: Yes.

13 SENATOR PARKER: And the only reason I  
14 bring this up is to just share that with  
15 people, because I've gotten a number of  
16 e-mails from people who have asked me why do  
17 we do redistricting? Why are we doing this?  
18 Do we have to do this? And I just wanted to  
19 bring that to the attention of the body here.

20 And so in my role in serving on this  
21 committee, I want to share with the body that  
22 before the ability to go over to peer was  
23 available, I started at home to do some work  
24 and look at numbers and look at things like  
25 that and come up with some ideas. And then as

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1 that ability became apparent, I was able  
2 to -- over to peer many, many times on my  
3 own. I met with the staff over there. I  
4 worked to prepare different maps, and I tried  
5 to look at different areas of the state. And  
6 I had the opportunity, too, to go over with  
7 you and do the same. And I found it most  
8 difficult on my part to do areas of the state  
9 that I don't represent.

10 And so, from the makeup of the committee  
11 standpoint, I'm very happy that the  
12 lieutenant governor put people geographically  
13 from across the state on the committee.  
14 Because what I found was that some of the  
15 things that anecdotally I might think the  
16 Coast might want, you know, someone from the  
17 Coast who understands that area and  
18 understood a little bit more.

19 And so, again, my questions are just to  
20 kind of bring more attention to the process  
21 of this. And I just want to share that I  
22 appreciate your time and effort on this, and  
23 that there were a number of meetings, there  
24 were a number of things that we worked with  
25 individually, collectively to try to move

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1 this forward. Yeah, and this process is not a  
2 personal process.

3 And I do want to mention one last thing  
4 here. Just -- this is a personal comment,  
5 but there was a mention earlier that a  
6 previous senator had been a holdover from a  
7 different time. And that holdover was my  
8 deskmate for four years. And sat over here,  
9 was not in the same party with me, and to  
10 hear that word for a member of this body is  
11 very disheartening to me, but I appreciate  
12 your work.

13 SENATOR KIRBY: Well, thank you. And,  
14 Senator, you reminded me of something. None  
15 of us have a district. The districts belong  
16 to the people, and that's exactly what you're  
17 saying.

18 MR. PRESIDENT: Thank you, Senator  
19 Parker.

20 Senator Chism, for what purpose, ma'am?

21 SENATOR CHISM: Friendly question,  
22 Mr. President.

23 MR. PRESIDENT: Will you yield for a  
24 question, Senator Kirby?

25 SENATOR KIRBY: Yes, I yield.

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1           SENATOR CHISM: Thank you. It's a very  
2 friendly question. Just a couple questions  
3 that I have. I've never been through this  
4 process.

5           Once you had this map finished, then it  
6 was sent to the lawyers; is that correct?

7           SENATOR KIRBY: Yes.

8           SENATOR CHISM: Can you tell me what  
9 date it was sent to the lawyers?

10          SENATOR KIRBY: I don't know the date,  
11 but it was at least three weeks ago?

12          SENATOR CHISM: If it was three weeks  
13 ago -- I would really like to have the date,  
14 because if it was three weeks ago, we're  
15 looking at March somewhere around the 8th.  
16 Is this correct?

17          SENATOR KIRBY: Probably. I probably  
18 could go back on my calendar and see. But I  
19 was say it was at least three weeks ago.

20          SENATOR CHISM: Okay. I really would  
21 like to have a date. But once it's sent to  
22 the lawyers, then this map has not been  
23 changed, has it? It's just like it was when  
24 it was sent to the lawyers.

25          SENATOR KIRBY: No, I actually changed

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1 one precinct in a minority district.

2 SENATOR CHISM: And could you tell me  
3 which precinct that was?

4 SENATOR KIRBY: I can't think of the  
5 name of it. The district number was 21. It  
6 was Senator Blackmon's district. I needed  
7 to -- what happened was when they printed the  
8 map, they made a mistake, so we corrected it.

9 SENATOR CHISM: So it was District 21?

10 SENATOR KIRBY: Yeah.

11 SENATOR CHISM: And that was the only  
12 one.

13 I really would like for the lawyers or  
14 whoever to tell me when -- when this map was  
15 sent over there before I carry on with the  
16 rest of my questioning.

17 SENATOR KIRBY: Do you know the date?

18 SENATOR CHISM: Surely they have that.

19 SENATOR KIRBY: He'd have to look up the  
20 date. He doesn't have the date with him, but  
21 he said I was approximately correct.

22 SENATOR CHISM: So we're going to say  
23 approximately March the 8th?

24 SENATOR KIRBY: Approximately, yes.

25 SENATOR CHISM: Okay.



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1           SENATOR KIRBY: I can't give you the  
2 exact date. When we thought it was ready,  
3 then we released it to them.

4           SENATOR CHISM: Okay. I went over and  
5 met with you over there and let you know  
6 where I would like for my district to be,  
7 which I'm very happy with my district that  
8 you have given to me.

9           SENATOR KIRBY: Thank you.

10          SENATOR CHISM: If I had my druthers, I  
11 would probably -- well, I know for sure, I  
12 would keep the constituents I had because  
13 they're close to me.

14          SENATOR KIRBY: Sure.

15          SENATOR CHISM: A lot of them are  
16 family.

17          SENATOR KIRBY: I feel the same way.

18          SENATOR CHISM: But I understand. I  
19 understand, and I'm happy with my district,  
20 and I appreciate all your hard work.

21          SENATOR KIRBY: Well, thank you. And I  
22 feel the same way you do about my district.  
23 I've gained some and lost some that I really  
24 didn't want to. But, like I say, every  
25 district --

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1 SENATOR CHISM: Absolutely.

2 SENATOR KIRBY: -- except Rita Parks',  
3 Senator Parks' did not change.

4 SENATOR CHISM: But I would like to say  
5 this. I just want this said for the record.  
6 This map was sent over, and there's a lot of  
7 circulation going around that before we voted  
8 on the 1509 bill that it was --

9 SENATOR KIRBY: I can answer that. It  
10 was sent over there before that --

11 SENATOR CHISM: It was sent before that  
12 date?

13 SENATOR KIRBY: It was sent before that  
14 date.

15 SENATOR CHISM: That's what I'm looking  
16 for.

17 SENATOR KIRBY: That, I can tell you.

18 SENATOR CHISM: Okay. That's what I'm  
19 looking for.

20 SENATOR KIRBY: Because I kept hearing  
21 that, too, and I'm telling (inaudible), we've  
22 already sent the maps over. No.

23 SENATOR CHISM: Okay. The map was sent  
24 over before we voted on 1509, the vaccine  
25 bill.

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1 SENATOR KIRBY: That's it.

2 SENATOR CHISM: Thank you.

3 And you'll testify to that?

4 SENATOR KIRBY: Yes.

5 SENATOR CHISM: Thank you.

6 Okay. This is the point that I'm trying  
7 to make, and it's a friendly point. I went  
8 back over there on March the 10th, and that's  
9 when I was shown my proposed map --

10 SENATOR KIRBY: Right.

11 SENATOR CHISM: -- that was going to be  
12 shown here two days ago.

13 SENATOR KIRBY: Yeah. That's probably  
14 true. Because we were -- you'd asked to see  
15 it, number one, to show it to you, and that's  
16 what we had already done.

17 SENATOR CHISM: That's right.

18 SENATOR KIRBY: And if you had a major  
19 problem, then we wanted to know it.

20 SENATOR CHISM: That's right.

21 SENATOR KIRBY: Yes.

22 SENATOR CHISM: Okay. I have a picture  
23 of my map that day.

24 SENATOR KIRBY: Good.

25 SENATOR CHISM: And on -- thank you.

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1 And on that picture, I still had Ingomar, but  
2 I did not have districts in Marshall County.  
3 And two days ago when I saw this map, now I  
4 don't have Ingomar, but I have three boxes in  
5 Holly Springs or in Marshall County that I  
6 didn't have on the 10th. And I just want to  
7 make a point that the map was changed after  
8 March the 9th when we had the vote on the  
9 1509 bill, the vaccine.

10 SENATOR KIRBY: Well, how many times did  
11 you go over there, Senator?

12 SENATOR CHISM: How many times what?

13 SENATOR KIRBY: Did you go over to peer?

14 SENATOR CHISM: Two times.

15 SENATOR KIRBY: Are you sure that map  
16 wasn't from the first time?

17 SENATOR CHISM: The first time I went  
18 over was to tell you what I'd like to have.

19 The second time I went over was to show  
20 me what my district was going to be, which  
21 was -- I have a picture of it on my phone.  
22 And I know that's good. So on my phone, the  
23 picture I have does not correspond with that  
24 picture.

25 SENATOR KIRBY: I don't have an

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1 explanation for that other than we worked on  
2 that map several times, and you may have been  
3 looking at one that wasn't the latest.

4 SENATOR CHISM: Well, I understand that.  
5 I was just wanting to know if that map had  
6 been changed after it went to the lawyers,  
7 which was before --

8 SENATOR KIRBY: Your district did not  
9 change.

10 SENATOR CHISM: -- March the 10th.

11 SENATOR KIRBY: Your district did not  
12 change after that.

13 SENATOR CHISM: But it did, mine did.  
14 And I have proof on my phone. I have a  
15 picture on March the 10th --

16 SENATOR KIRBY: Well, it may, and you  
17 may have proof of a map, but it probably --  
18 like I say, we worked the map several times,  
19 and what you were looking at maybe was not  
20 the most current one we had.

21 SENATOR CHISM: Well, I guess I need to  
22 go have eye surgery again or something. I  
23 don't know. But it's different. It was  
24 changed. And that's the only point I wanted  
25 to make that it had been changed after the

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1 map went to the lawyers. Thank you.

2 SENATOR KIRBY: All right. We turned  
3 those maps -- I can't even tell you how many  
4 plans we had. So it may be that it wasn't  
5 the latest of the plan at that time. I don't  
6 know. But I know that that was sent to the  
7 attorneys before that vote.

8 SENATOR CHISM: Thank you.

9 SENATOR KIRBY: Okay. Thank you.

10 MR. PRESIDENT: Thank you, Senator  
11 Chism.

12 Senator Norwood, for what purpose, sir?

13 SENATOR NORWOOD: Thank you,  
14 Mr. President. President, at the appropriate  
15 time, I'd like an introduction out of order  
16 at the appropriate time.

17 MR. PRESIDENT: That will be good so he  
18 can catch his breath here.

19 Please proceed, Senator Norwood.

20 (Introduction.)

21 MR. PRESIDENT: All right. We have  
22 Senator Sojourner. For what purpose, ma'am?

23 SENATOR SOJOURNER: Just one follow up.

24 MR. PRESIDENT: Okay. Please proceed,  
25 and I'll get to you Senator Parker next.

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1 Thank you very much.

2 Senator Sojourner, you're recognized for  
3 what purpose, ma'am?

4 SENATOR SOJOURNER: Thank you,  
5 Mr. President. Thank you, Chairman Kirby.  
6 Just one follow up.

7 I know you mentioned earlier that the  
8 maps had gone to the lawyers and had, you  
9 know, been cleared. You previously mentioned  
10 that you would not support a map that had not  
11 been cleared; is that correct? That had not  
12 gone to the lawyers?

13 SENATOR KIRBY: That's right, yes.

14 SENATOR SOJOURNER: Okay. But according  
15 to the line of questioning of Senator Chism,  
16 it sounds like that it is very likely, or it  
17 is likely that the map that went to the  
18 lawyers has changed because of what's  
19 presented on the floor was not the  
20 previous -- so my question is, then this map  
21 has not been cleared by your lawyers?

22 SENATOR KIRBY: This map has been  
23 cleared.

24 SENATOR SOJOURNER: Even if a senator on  
25 this floor has a picture of her district

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1 that --

2 SENATOR KIRBY: Well, as I told her, she  
3 probably didn't have the most current map,  
4 which was a mistake on our part. But it  
5 didn't really -- I'm going to try to cut  
6 y'all's questions a little short. The  
7 lieutenant governor, nor me, nor anyone else,  
8 none of us, changed anything because of that  
9 vote.

10 SENATOR SOJOURNER: Oh, yes, sir. I'm  
11 not concerned with that. Yes, sir. I do  
12 think for legal, it's very, very important  
13 that we do get the exact date that this map  
14 was voted on.

15 SENATOR KIRBY: Why would that matter?  
16 If it doesn't matter --

17 SENATOR SOJOURNER: Well, it would  
18 matter if it's changed.

19 SENATOR KIRBY: Okay. Well --

20 SENATOR SOJOURNER: Thank you.

21 MR. PRESIDENT: Senator Parker, for what  
22 purpose? Thank you, Senator. Senator  
23 Parker?

24 SENATOR PARKER: Sorry, Mr. President, I  
25 was trying to catch you for an introduction



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1 at the appropriate time.

2 MR. PRESIDENT: Please proceed.

3 (Introduction.)

4 MR. PRESIDENT: Okay. We're at Senator  
5 McMahon.

6 SENATOR McMAHON: A question.

7 MR. PRESIDENT: Will you yield for a  
8 question, Senator Kirby?

9 SENATOR KIRBY: Yes, sir.

10 MR. PRESIDENT: Senator McMahon, you're  
11 recognized.

12 SENATOR McMAHON: Senator Kirby, thanks  
13 for your work on this. I appreciate you and  
14 the committee going all over the state for  
15 almost a year getting public input.

16 I actually attended the public hearing  
17 in Tupelo.

18 SENATOR KIRBY: You did?

19 SENATOR McMAHON: Yeah, I appreciate it.

20 Y'all took a lot of questions from  
21 different -- from different groups and  
22 individuals and I appreciate that.

23 For the record, you know, there's --  
24 does Delbert Hosemann have a -- does the  
25 lieutenant governor have a vote in this room?

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1 SENATOR KIRBY: No, sir.

2 SENATOR McMAHON: Except unless the  
3 chambers have a tie.

4 SENATOR KIRBY: In case of a tie.

5 SENATOR McMAHON: Unless we're in a tie,  
6 right?

7 SENATOR KIRBY: That's right.

8 SENATOR McMAHON: Does the lieutenant  
9 governor have a vote on the committee?

10 SENATOR KIRBY: Does not.

11 SENATOR McMAHON: Were you in any way  
12 coerced to change a map or do anything?

13 SENATOR KIRBY: No.

14 SENATOR McMAHON: Okay. There's a  
15 notion that the lieutenant governor has taken  
16 reciprocity or has been angry with people,  
17 and that's the furthest thing from the truth,  
18 wouldn't you agree?

19 SENATOR KIRBY: I agree. I agree.

20 SENATOR McMAHON: As a matter of fact,  
21 the only thing that I have experienced with  
22 him is after we took the vote that another  
23 senator mentioned, he came over to my house  
24 two days later and we cooked hamburgers.  
25 And, to be quite honest with you, he took the

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1 bigger burger, so I don't even know if he  
2 realized he got the larger burger. I wanted  
3 that one myself.

4 But the lieutenant governor is a man of  
5 integrity, and I just want to state for the  
6 record in no way have you been coerced in any  
7 way, have you?

8 SENATOR KIRBY: No.

9 SENATOR McMAHON: Okay. My district map  
10 changed as well, and you took my  
11 consideration, but I didn't get the map that  
12 I wanted, I got the map that was convenient  
13 for everyone else. Would you agree?

14 SENATOR KIRBY: I agree with that. Same  
15 with me.

16 SENATOR McMAHON: Senator Kirby, I  
17 really appreciate your work. I know this is  
18 not easy, and it cannot be an easy process.  
19 I'm glad I was not on that committee, but  
20 thank you for your work, and I appreciate the  
21 committee's work. And I appreciate y'all --  
22 the transparency, and that you took an entire  
23 year to go all over the state.

24 SENATOR KIRBY: Thank you.

25 SENATOR McMAHON: Thank you.

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1 MR. PRESIDENT: Okay, seeing no further  
2 questions. Thank you, Senator McMahon.

3 Senator Simmons, you're recognized for  
4 an amendment.

5 SENATOR SIMMONS: May I proceed,  
6 Mr. President?

7 MR. PRESIDENT: Yes, please proceed,  
8 Senator Simmons.

9 SENATOR SIMMONS: Thank you,  
10 Mr. President. Thank you, Senator Kirby for  
11 your work on this joint resolution.

12 This is a Senate alternative to the map  
13 just presented by Senator Kirby. And it's  
14 illustrated on your screens as well, also on  
15 the side over here.

16 And what I will say about this map is  
17 that we received input from several advocacy  
18 groups and community groups that are  
19 concerned that black Mississippians are  
20 vastly underrepresented in the State Senate.  
21 In fact, the map that is on your screen, and  
22 also as I indicated that is actually  
23 illustrated over here, is proof that there  
24 can be an additional four majority-minority  
25 districts in the State Senate. And I can

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1 tell you by talking to Senate Democrats, they  
2 have even sacrificed their individual  
3 interests to put forth a map that more  
4 accurately reflects the state's population  
5 and comply with the U.S. Constitution and the  
6 Voting Rights Act. And so there are a lot of  
7 Senate Democrats based upon the map that's  
8 before you who do not even like their  
9 individual districts.

10 A map that maintains the status quo  
11 simply dilutes black voting strength in  
12 Mississippi.

13 Mr. President, I yield the podium, and I  
14 ask for adoption of the amendment.

15 MR. PRESIDENT: Senator Kirby, you're  
16 recognized to respond.

17 SENATOR KIRBY: Thank you, Mr.  
18 President, ladies and gentlemen of the  
19 Senate, as you can see, this is not a map  
20 that this state needs. I don't know what  
21 kind of test it's been through or anything  
22 else. So I am going to ask that you vote  
23 against the amendment.

24 MR. PRESIDENT: Okay. We have an  
25 amendment on the floor. All in favor signify

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1 by saying "Aye."

2 (Aye.)

3 MR. PRESIDENT: Opposed, "No."

4 (No.)

5 MR. PRESIDENT: The "Noes" have it.

6 Okay. We're on -- any other amendments,  
7 Mr. Clerk?

8 MR. CLERK: We have four.

9 MR. PRESIDENT: One moment, please.

10 Okay. Are we on the screen, sir? Okay.

11 Senator McDaniel, you're recognized for  
12 an amendment. Amendment Number 2.

13 SENATOR McDANIEL: Thank you,  
14 Mr. President. They are in the process of  
15 displaying it as we speak. I guess while  
16 that's occurring, I'd be asked to be  
17 recognized to explain the amendment.

18 MR. PRESIDENT: Senator McDaniel, you're  
19 recognized to explain the amendment.

20 SENATOR McDANIEL: Thank you,  
21 Mr. President.

22 What we see there is a possibility that  
23 we were told could not exist. And what this  
24 possibility does, it restores in part  
25 District 37 and brings the BVAP down to 49 --

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1 or 46.9 percent. The other changes are  
2 minimal. The only BVAP changes would involve  
3 District 39, a three point increase in BVAP  
4 to 31 percent. District 35 will stay the  
5 same. And 41 would increase only by two  
6 percentage points. Everything else remains  
7 the same.

8 Here's the distinction. Senator  
9 Sojourner would share the district with  
10 Senator Kelvin Butler with a BVAP that's not  
11 sorted by race and gives each candidate a  
12 chance to be successful. That's precisely  
13 what the Voting Rights Act demands, is a  
14 chance to be successful.

15 That's, basically, what the amendment  
16 does.

17 I'm open for questions, Mr. President,  
18 whenever someone has one.

19 MR. PRESIDENT: Any questions for  
20 Senator McDaniel on the amendment? Any  
21 questions. One moment, please.

22 Senator Simmons, for what purpose, sir?

23 SENATOR SIMMONS: One question,  
24 Mr. President.

25 MR. PRESIDENT: Will you yield, Senator

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1 McDaniel?

2 SENATOR McDANIEL: Yes, Mr. President.

3 MR. PRESIDENT: Senator Simmons, you're  
4 recognized.

5 SENATOR SIMMONS: Thank you,  
6 Mr. President.

7 Senator, could you explain what happened  
8 in the Delta with your map?

9 SENATOR McDANIEL: Yes, sir. There's  
10 not going to be substantial changes at all,  
11 if any, up there. Basically, what happens,  
12 it takes 37, and 37, that is Sojourner and  
13 Senator Kelvin Butler, are now unified in 37  
14 with a BVAP that at least gives both parties  
15 a fighting chance. In other words, it's not  
16 sorted heavily on race. It still puts her at  
17 over 46 percent, but it makes the district  
18 fair for the purposes of the Voting Rights  
19 Act.

20 SENATOR SIMMONS: But there are less  
21 districts in the Delta on your map, wouldn't  
22 you agree?

23 SENATOR McDANIEL: No. There's no  
24 changes. No changes in the Delta.

25 SENATOR SIMMONS: I just looked at the



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1 map.

2 SENATOR McDANIEL: Let's take a look at  
3 it.

4 SENATOR SIMMONS: Okay.

5 SENATOR McDANIEL: Unless there's a  
6 mistake, I'm serious, the only thing that  
7 changed was that part down there next to 37.

8 SENATOR SIMMONS: Thank you.

9 SENATOR McDANIEL: And you're going to  
10 see her morph into Kelvin Butler, and they'll  
11 share that district at a 46.8 percent BVAP.

12 SENATOR SIMMONS: Thank you.

13 MR. PRESIDENT: Thank you, Senator  
14 Simmons.

15 Senator Chism, for what purpose, ma'am?

16 SENATOR CHISM: Thank you,  
17 Mr. President. I would like to speak on the  
18 amendment at the proper time.

19 MR. PRESIDENT: One moment, please.  
20 Other questions from Senator McMahon. For  
21 what purpose, sir?

22 SENATOR MCMAHON: Just a couple of  
23 questions.

24 MR. PRESIDENT: Senator, will you yield  
25 for a couple of questions?

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1 SENATOR McDANIEL: Yes, sir.

2 MR. PRESIDENT: Senator McMahon is  
3 recognized.

4 SENATOR McMAHON: Senator McDaniel, I  
5 went over and looked at the map. I hadn't  
6 seen this map -- who drew this map?

7 SENATOR McDANIEL: It was drawn as an  
8 amendment. I helped draw it.

9 SENATOR McMAHON: You helped draw it?

10 SENATOR McDANIEL: Yes, sir.

11 SENATOR McMAHON: Has this map -- did  
12 you have public hearings and go around the  
13 state and discuss it?

14 SENATOR McDANIEL: No, sir.  
15 Unfortunately, we didn't have time, and  
16 here's why. I wasn't allowed to see the  
17 whole map until just a couple of days ago.  
18 It would have been impossible to create  
19 amendments on a map that I could not see. So  
20 that would have been impossible, practically  
21 speaking.

22 SENATOR McMAHON: Has your map gone  
23 through the attorneys that this body hired to  
24 review the maps so that there would be -- so  
25 that we would have some good legal standing

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1 on a map?

2 SENATOR McDANIEL: No, sir, but it has  
3 been reviewed by attorneys. And there are  
4 different law firms that do different type  
5 work, naturally. It could be at some point  
6 adversarial. So naturally, these attorneys  
7 would not have been the ones to --

8 SENATOR McMAHON: If I were to vote on  
9 this map, would I not, in fact, be voting on  
10 a map that was drawn in secret behind closed  
11 doors that there has been no public vetting?

12 SENATOR McDANIEL: No, sir. We had no  
13 chance to do anything other than what we've  
14 done because of the secrecy in this chamber.

15 Let me be real clear. We asked to see  
16 the whole map, begged to see the whole map.  
17 We weren't allowed to see the whole map.

18 And so what you're suggesting is that we  
19 could have made changes to a map that we had  
20 never, ever seen before. That is not a  
21 possibility.

22 In fact, the first time my eyes were  
23 laid on this map was the day the committee  
24 started just a couple of days ago. So there  
25 was no time for any of that.

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1           SENATOR McMAHON: Yeah. I understand.  
2   I just was trying to -- I mean, I appreciate  
3   what you're trying to do here, but the fact  
4   that there's been no public hearing and y'all  
5   didn't have any public input or public --  
6   there was no time for y'all to go around the  
7   state. You're a chairman. You could have  
8   had a hearing on this or even issued  
9   subpoenas, correct?

10          SENATOR McDANIEL: Well, let me answer  
11   your question real quick, and then I'll  
12   answer that.

13          SENATOR McMAHON: Sure. Yes, sir.

14          SENATOR McDANIEL: Every other aspect of  
15   the map is what was vetted. So you're  
16   literally talking about that one relatively  
17   small fraction in 37. Every other part was  
18   the part vetted by the law firm, by the  
19   public, by everyone else. That all remains  
20   unchanged.

21          SENATOR McMAHON: Okay. So there's two  
22   districts that were drawn without public --  
23   you know, without going through the public  
24   process.

25          SENATOR McDANIEL: No, sir. No, sir.

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1 What happened, 37 as configured presently was  
2 just slightly moved.

3 SENATOR McMAHON: Okay.

4 SENATOR McDANIEL: I'll give you an  
5 example. Right now, if you'll look on the  
6 big map, you'll see 37 is really suffering  
7 from the issue of compactness. It's a really  
8 big district now because they're literally  
9 stretching across the state trying to keep  
10 majority-minority status for the district,  
11 which is not permissible, but we'll get to  
12 that later.

13 What this does, it brings the map back  
14 to a more compact nature and draws Senator  
15 Sojourner into Senator Butler's district.

16 There was a reason for that. There was  
17 a reason for that. By drawing it south  
18 instead of north, there was no ripple effect,  
19 and that was what we were trying to avoid.  
20 We didn't want the rest of the body being  
21 hurt, so she drew it south toward the end of  
22 the border where there would be almost no  
23 ripple effect.

24 SENATOR McMAHON: I didn't know who the  
25 two senators were.

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1 SENATOR McDANIEL: Yeah.

2 SENATOR McMAHON: So it's Senator  
3 Sojourner and Senator Butler?

4 SENATOR McDANIEL: Kelvin Butler.

5 SENATOR McMAHON: Kelvin Butler?

6 SENATOR McDANIEL: Yes, sir. In 37  
7 presently, they have her running against  
8 Albert Butler.

9 SENATOR McMAHON: Okay. Oh, in this  
10 one.

11 SENATOR McDANIEL: No, in the proposed  
12 one. Remember, in the proposed map, the big  
13 one up here --

14 SENATOR McMAHON: Okay.

15 SENATOR McDANIEL: -- they presently  
16 have her running against Albert Butler, okay,  
17 in a BVAP of 61 percent, which is unwinnable  
18 because of the racial target that was set in  
19 the district.

20 In this one you see such a small morph  
21 where now she and Kelvin Butler share the  
22 district, and they will contend against one  
23 another for reelection in a BVAP that is fair  
24 for both parties.

25 SENATOR McMAHON: So Senator Sojourner

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1 is currently the senator of District 36; is  
2 that correct?

3 SENATOR McDANIEL: No, sir.

4 SENATOR McMAHON: 37.

5 SENATOR McDANIEL: 37, yes.

6 SENATOR McMAHON: 37 is the one that  
7 might be moving, but not in this map.

8 SENATOR McDANIEL: No, in the map -- the  
9 amendment. The amendment. It's not that  
10 it's, like, changing roughly. It's morphing  
11 slightly to the south. Does that make sense?

12 SENATOR McMAHON: How many Republicans  
13 have ever been elected from District 37  
14 currently?

15 SENATOR McDANIEL: Republicans in 37?  
16 Only one.

17 SENATOR McMAHON: Only one ever, since  
18 Reconstruction?

19 SENATOR McDANIEL: That's my  
20 understanding. Mr. Dearing had it for an  
21 awfully long time. He might recall.

22 SENATOR McMAHON: Yes.

23 SENATOR McDANIEL: And so, yeah, since  
24 Reconstruction, Senator Sojourner is the only  
25 Republican that's held that seat.

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1           SENATOR McMAHON: So Senator Sojourner  
2 won an election against a Democrat in that  
3 district, and then that senator came back and  
4 defeated her, which she contested that  
5 election in 2016. I was here, and we had to  
6 put it to this body. So she contested it  
7 then.

8           SENATOR McDANIEL: That's right.

9           SENATOR McMAHON: And then she came back  
10 and won that district --

11          SENATOR McDANIEL: That's right.

12          SENATOR McMAHON: -- after that four  
13 years.

14          SENATOR McDANIEL: That's right.

15          SENATOR McMAHON: And that's the  
16 district we're trying to maintain?

17          SENATOR McDANIEL: Maintain, yes, but  
18 also make it fair for VRA purposes.

19          What happens here, okay, under the new  
20 law as it's evolving, if you create a  
21 district that does more than give equal  
22 opportunity -- in other words, a district  
23 that's so one-sided as to guarantee the  
24 result, you run afoul of the equal protection  
25 clause of the Constitution, and that's what



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1 District 37 is doing as it morphs all the way  
2 up toward Hinds County.

3 What this one does, it comes farther  
4 down, puts Senator Sojourner and Senator  
5 Kelvin Butler in a district. It puts the  
6 BVAP in a range where they both can be  
7 competitive at over 46 percent. This is an  
8 equitable plan. It's an equitable map under  
9 constitutional standards and under just  
10 fairness standards.

11 And that's all we're asking is for a  
12 fair chance to retain --

13 SENATOR McMAHON: Who printed the map?  
14 Who printed it?

15 SENATOR McDANIEL: I suppose the  
16 individuals over there at the map were. Ted  
17 Booth and those guys.

18 SENATOR McMAHON: And so you asked them  
19 to put this map together, and they gladly put  
20 it together so you could present it?

21 SENATOR McDANIEL: Yes, sir. I think  
22 that's accurate.

23 SENATOR McMAHON: Thank you. Thank you,  
24 Senator. Thank you for answering my  
25 questions.

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1 SENATOR McDANIEL: I appreciate it.

2 MR. PRESIDENT: Thank you, Senator.

3 Senator Sparks, for what purpose, sir?

4 SENATOR SPARKS: Question.

5 MR. PRESIDENT: Will you yield for a  
6 question, Senator McDaniel?

7 SENATOR McDANIEL: Of course.

8 MR. PRESIDENT: Senator Sparks, you're  
9 recognized.

10 SENATOR SPARKS: Thank you,  
11 Mr. President. Thank you, Mr. Chairman.

12 I'm sort of like Zacchaeus. I needed a  
13 tree to crawl up in and see over everybody.

14 (Laughter.)

15 SENATOR SPARKS: So I hadn't really had  
16 a chance to look at the map, but I'm looking  
17 at what's up on the screen, and it says that  
18 this is your amendment, the McDaniel  
19 amendment.

20 SENATOR McDANIEL: Yes, sir.

21 SENATOR SPARKS: Is that the proper map  
22 before the body?

23 SENATOR McDANIEL: We believe it is.  
24 There could be a discrepancy with what's  
25 being displayed, but this is Amendment 1.

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1           SENATOR SPARKS: Well, I mean, you're  
2     putting a draft up there, and I don't know  
3     how many amendments you got in your pocket.

4           SENATOR McDANIEL: Right.

5           SENATOR SPARKS: I don't know how good  
6     your vision is, but from here I can read  
7     that's not the McDaniel amendment.

8           SENATOR McDANIEL: No, no. It's not,  
9     but it's --

10          SENATOR SPARKS: Well, what does that  
11     say?

12          SENATOR McDANIEL: Sojourner amendment.

13          SENATOR SPARKS: Okay. So where is  
14     the -- no. Where is the McDaniel amendment  
15     map?

16          SENATOR McDANIEL: Right there.

17          SENATOR SPARKS: No, sir, it's not.  
18     What does it say?

19          SENATOR McDANIEL: That's my amendment.

20          SENATOR SPARKS: That's your amendment,  
21     I agree with you.

22          SENATOR McDANIEL: Right.

23          SENATOR SPARKS: Where's your map that  
24     goes with that amendment?

25          SENATOR McDANIEL: They named it that

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1 for purposes of qualifying --

2 SENATOR SPARKS: Well, who named it?

3 SENATOR McDANIEL: Ted Booth and those  
4 individuals.

5 SENATOR SPARKS: Well, let's not bring  
6 lawyers into it. You didn't want their  
7 comment earlier.

8 SENATOR McDANIEL: What lawyers? Here's  
9 what happened. Here's what happened. Let me  
10 answer.

11 SENATOR SPARKS: All right.

12 SENATOR McDANIEL: When we went over  
13 there, the idea was they have to have a name  
14 for design purposes. That's not my district,  
15 so they couldn't call it McDaniel Proposed  
16 District. So for design purposes, that's  
17 the -- that's the map. That's the amendment.  
18 They coincide.

19 SENATOR SPARKS: Well, I'm asking a  
20 legitimate question because you've got the  
21 McDaniel amendment. This says Sojourner  
22 amendment. I don't know how many amendments  
23 that are prepared today.

24 SENATOR McDANIEL: Right.

25 SENATOR SPARKS: I just want to make

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1 sure you're up there talking about a man, and  
2 you're not inadvertently referring to your  
3 map.

4 SENATOR McDANIEL: No, let me explain it  
5 again.

6 SENATOR SPARKS: Okay.

7 SENATOR McDANIEL: For purposes of  
8 drafting, they had to have a name for the  
9 district that was being changed. So the  
10 district being changed here primarily was her  
11 amendment, the Sojourner map. That was for  
12 purposes of drafting. For purposes of the  
13 amendment, you'll see my name is up there,  
14 but they do coincide. It is the same.

15 SENATOR SPARKS: I'm just making sure  
16 we're looking at the same map. Before I go  
17 to my questions, I had to make sure we're  
18 looking at the right map.

19 SENATOR McDANIEL: Now, I will say this:  
20 If there's a discrepancy in what you're  
21 seeing via the language in here, that's just  
22 an error that we're making now with the wrong  
23 amendment being placed here as opposed to  
24 there. But we can fix that pretty simply.

25 SENATOR SPARKS: Okay. Now, I

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1 understood you to say that -- maybe you  
2 didn't say this, but several people have  
3 said, "I didn't see the whole map."

4 Is that one of your contentions that we  
5 need this plan because you weren't able to  
6 see the whole map?

7 SENATOR McDANIEL: Not necessarily. I  
8 think that based on seeing the whole map and  
9 the way it went down, that's one concern.  
10 But it's not the contention for this. This  
11 is a whole different argument.

12 SENATOR SPARKS: Okay. But you do agree  
13 with me there's been a lot of people say, "I  
14 didn't get to see the whole map"?

15 SENATOR McDANIEL: There's been quite a  
16 few, I think, yes.

17 SENATOR SPARKS: All right. Now, I'll  
18 submit to you --

19 SENATOR McDANIEL: But that's not my  
20 primary concern here.

21 SENATOR SPARKS: Okay.

22 SENATOR McDANIEL: My concern here is  
23 about the district.

24 SENATOR SPARKS: Well, I'll submit to  
25 you that I did go over, per request, to look

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1 at my district. I looked at it, I made  
2 suggestions, or I made my -- I guess you  
3 would say your wish, or you just say what I'd  
4 like my district to be. And it's not the  
5 plan that's before us. But I didn't ask to  
6 see the Delta.

7 SENATOR McDANIEL: Right.

8 SENATOR SPARKS: I didn't ask to see the  
9 Coast.

10 SENATOR McDANIEL: Right.

11 SENATOR SPARKS: Now, I might have been  
12 interested in the districts that join me, but  
13 I got no business getting in Coast business  
14 about how they draw their lines down there.

15 SENATOR McDANIEL: No, I get that.

16 The reason it was important if you see  
17 the whole map, it was impossible to make  
18 adjustments without seeing it because of the  
19 ripple effect. So before we were shown the  
20 map, they literally could not draw because  
21 they had no starting point upon which to base  
22 it.

23 In other words, they could have shown  
24 Senator Sojourner her individual map, but  
25 once those adjustments are made, you could

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1 have a ripple. And until we see the whole  
2 map and how that ripple affects it, it made  
3 it impossible to draft the amendment.

4 SENATOR SPARKS: Okay. And so the  
5 primary purpose of this map is to retain the  
6 district in which -- there's three districts  
7 in that geographic area currently, three  
8 Senate districts.

9 SENATOR McDANIEL: That's fair. That's  
10 fair.

11 SENATOR SPARKS: And you're trying to  
12 maintain three Senate districts in that  
13 geographic area.

14 SENATOR McDANIEL: Well, it's more like  
15 this. It's not so much maintain as to give  
16 her a fighting chance, to give the Senator a  
17 fighting chance.

18 SENATOR SPARKS: I understand a fighting  
19 chance, but the question is there are  
20 currently three senate districts in that  
21 geographic region.

22 SENATOR McDANIEL: Actually, two based  
23 on the present proposal, right?

24 SENATOR SPARKS: No, no, I'm talking  
25 about as we sit here today.



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1           SENATOR McDANIEL: As we sit here. As  
2 we sit here.

3           SENATOR SPARKS: There are three  
4 senators that represent that geographic  
5 region.

6           SENATOR McDANIEL: Prior to us voting,  
7 yes.

8           SENATOR SPARKS: All right. The plan  
9 that was presented to this body that you're  
10 attempting to amend leaves two seats for  
11 those three people.

12          SENATOR McDANIEL: That's right.

13          SENATOR SPARKS: All right. Your plan  
14 leaves three seats for those three people.

15          SENATOR McDANIEL: That's right.

16          SENATOR SPARKS: All right.

17          SENATOR McDANIEL: No, no. Wait. No.  
18 Not three seats, two seats. Same thing.

19          Remember, instead of drafting the map  
20 where she's in Albert Butler's district,  
21 which is the one to the north, she goes down  
22 to Kelvin Butler's district to the south. So  
23 that standpoint doesn't change the number of  
24 districts. It just gives a chance --

25          SENATOR SPARKS: So where is your new

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1 district?

2 SENATOR McDANIEL: Oh, it's the same  
3 thing. It's Rankin County. Nothing changed  
4 about that.

5 SENATOR SPARKS: All right. I'm just  
6 making sure.

7 SENATOR McDANIEL: None of that changed.  
8 That's still in Rankin County.

9 SENATOR SPARKS: No, I believe you said  
10 you've had no opportunity to show this map.  
11 You were asked a question, I think --

12 SENATOR McDANIEL: To show this map?

13 SENATOR SPARKS: Yes, sir.

14 SENATOR McDANIEL: Yes, sir, that's  
15 correct.

16 SENATOR SPARKS: You're standing here in  
17 this body today saying with a straight face,  
18 you've had no chance to show this map?

19 SENATOR McDANIEL: That map was drafted  
20 yesterday. All the amendments we have were  
21 drafted yesterday.

22 SENATOR SPARKS: Have you ever heard of  
23 Facebook?

24 SENATOR McDANIEL: I'm afraid so.

25 SENATOR SPARKS: Okay. E-mail?

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1 SENATOR McDANIEL: Here's the thing.

2 SENATOR SPARKS: When was this map  
3 drafted?

4 SENATOR McDANIEL: Yesterday.

5 SENATOR SPARKS: Like, what time?

6 SENATOR McDANIEL: It was late.

7 SENATOR SPARKS: Sir?

8 SENATOR McDANIEL: It was late. It's  
9 hard to say exactly what time. What, 9:00?  
10 Okay. Gotcha. Throughout the day each of  
11 the amendments were probably completed at  
12 about -- in the evening. I don't know what  
13 time exactly.

14 SENATOR SPARKS: Well, you could have  
15 posted it last night.

16 SENATOR McDANIEL: Well, I could have.

17 SENATOR SPARKS: You could have done a  
18 video.

19 SENATOR McDANIEL: Sure.

20 SENATOR SPARKS: You could have told  
21 everybody in Tishomingo County why this map  
22 is important.

23 SENATOR McDANIEL: Absolutely.

24 SENATOR SPARKS: Because I've gotten  
25 about 800, 900 e-mails telling us what's

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1 coming.

2 SENATOR McDANIEL: Right.

3 SENATOR SPARKS: So it's a little  
4 disingenuous when you say, "I just haven't  
5 had time to show you."

6 Today's the first chance we've had a  
7 chance to see it, but yet I've heard about it  
8 for several days.

9 SENATOR McDANIEL: Right. Well --

10 SENATOR SPARKS: And, by the way -- no,  
11 let me finish.

12 SENATOR McDANIEL: Okay.

13 SENATOR SPARKS: And, by the way, I'm  
14 not hearing from real people because I try to  
15 answer those in those e-mails. And when I  
16 click on it, it says, "No reply." And it's  
17 funny, one of those guys lives across the  
18 street from me.

19 SENATOR McDANIEL: Right.

20 SENATOR SPARKS: He can literally walk  
21 across the street and say, "Hey, Daniel, I'm  
22 worried about this Senate District 37."

23 SENATOR McDANIEL: I get it.

24 SENATOR SPARKS: He hadn't heard about  
25 it, either.

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1           SENATOR McDANIEL: Back to your first  
2 question. Can I answer that first one?

3           SENATOR SPARKS: Sure.

4           SENATOR McDANIEL: Address it first?  
5 Remember, the question is, why wasn't it made  
6 whole or made public last night late.

7           SENATOR SPARKS: Well, no, you just  
8 said, "I've had no opportunity to show this  
9 map." I want to be clear.

10          SENATOR McDANIEL: But remember, you're  
11 seeing a map that everybody has already seen  
12 99 percent of which. Remember, that slight  
13 change at the bottom southwest corner did not  
14 impact the rest of the map. That's all it  
15 was. So the point is, everybody's already  
16 seen their districts. Everybody seems to be  
17 relatively satisfied in some respects.  
18 That's the only little tweak that occurred,  
19 and you're seeing it now. And it changes  
20 almost nothing except the BVAP of the  
21 district and affects almost no one in the  
22 state with a ripple effect. So you can see  
23 it just, essentially, there and be completely  
24 up to speed.

25          SENATOR SPARKS: Well, I made the

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1 statement that I went and looked at the map  
2 to draw my district, and I didn't ask to see  
3 regions of the state that were so far away  
4 from me. I didn't ask. But, today, now, you  
5 want me to look at it. You're asking me to  
6 vote on it. So you just said you didn't need  
7 to show me the map because it really doesn't  
8 affect my district, but now you (inaudible).

9 SENATOR McDANIEL: Bear in mind, you've  
10 already seen all of that map with just the  
11 small exception of those few precincts that  
12 were changed in Southwest Mississippi.  
13 Everything else is retained as is with the  
14 current proposed plan. There are no changes.  
15 That's it.

16 SENATOR SPARKS: I just want to make  
17 sure that we understand that -- for instance,  
18 I'm a member of the Republican Party elected  
19 to this district. I am the first Republican  
20 that's elected in my -- my district is a  
21 Democratic district.

22 SENATOR McDANIEL: Right.

23 SENATOR SPARKS: You know, J.P. Wilemon  
24 had 16 years before me. John White before  
25 him. One interruption in there and a special

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1 when Senator White retired. Mr. Walden  
2 served for a short period of time.

3 So, you know, I'm in a Democratic  
4 district. What did you do for me? How are  
5 you -- how are you preserving my ability to  
6 get reelected? Do you know how I preserve my  
7 ability to get --

8 SENATOR McDANIEL: Hold on.

9 SENATOR SPARKS: Go ahead. Tell me how  
10 you're going to help me get reelected.

11 SENATOR McDANIEL: Here it is. Here's  
12 the way. It's not about helping people get  
13 elected all the time. And I'll explain why.

14 SENATOR SPARKS: Not all the time. When  
15 is it?

16 SENATOR McDANIEL: No, listen. I'm  
17 going to -- let me explain. We'll get to it.  
18 I'll answer all your questions. Just let me  
19 finish my train of thought here.

20 What you have here in getting that BVAP  
21 over 60 percent eliminates the possibility of  
22 election for a Republican. That's what the  
23 data shows, which is why I asked the  
24 questions earlier about polarized voting in  
25 those areas.

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1           What you're seeing here is a target set  
2   to effectively eliminate a Republican senator  
3   via the BVAP mechanism. That is the  
4   majority-minority mechanism. If that's the  
5   case, that's a violation of the Equal  
6   Protection Clause.

7           In your particular area, I don't know  
8   what your BVAP is. But it's not so high as  
9   to guarantee your defeat, which is why you've  
10   been able to maintain some degree of success  
11   as a Republican. But, as you know, the  
12   higher that BVAP gets, the less likely you're  
13   going to be elected. That's why I focused  
14   solely on 37 because that's where the abuse  
15   was. You went from 37 percent BVAP to 61,  
16   roughly, percent BVAP. That was the abused  
17   area. I didn't see your area or others as  
18   abused in that fashion.

19          SENATOR SPARKS: I'll be honest, the  
20   first time somebody asked me what BVAP was, I  
21   didn't know what they meant. What I'm asking  
22   you is, you're talking about Republican,  
23   Democrat. I don't see anywhere on my ballot  
24   it says "BVAP." It says "R" and "D."

25          SENATOR McDANIEL: I know. I know.



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1           SENATOR SPARKS: So you can lose a race  
2 in a historically Democrat district that may  
3 have a high or low BVAP, but my question is  
4 as it relates to Senate District 5, have you  
5 done anything to ensure I come back as a  
6 Republican, because that seems to be your  
7 concern? I know you're not trying to elect a  
8 white person or a black person. You're  
9 trying to elect Republicans is the purpose of  
10 your plan, I assume.

11           SENATOR McDANIEL: It's Republicans in  
12 part, but it's just a fair district. In  
13 other words, BVAP titled up to 60 percent  
14 makes it inherently unfair. I don't think --  
15 I'm pretty certain your BVAP doesn't go up to  
16 60 percent, neither does mine or the  
17 Republicans in this room. And so they are,  
18 if you find yourself in one of those  
19 districts, inherently behind. You have been  
20 targeted, and you are going to lose that  
21 race. That's what the data shows, which is  
22 why I looked at 37 and not the other  
23 Republican districts.

24           SENATOR SPARKS: All right.

25           SENATOR McDANIEL: I didn't make changes

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1 to mine either because the BVAP in mine was  
2 basically where it was, and it wasn't over a  
3 certain percentage as to guarantee my  
4 elimination.

5 SENATOR SPARKS: But we're talking about  
6 BVAP, but we're talking about Republicans  
7 because Senate District 5 is a flip seat.

8 SENATOR McDANIEL: Right.

9 SENATOR SPARKS: I'm a Republican. I  
10 was preceded by a Democrat. There is a  
11 district on the Coast that is a flip seat.

12 SENATOR McDANIEL: Right.

13 SENATOR SPARKS: So did we do anything  
14 to ensure that?

15 SENATOR McDANIEL: What --

16 SENATOR SPARKS: Let me finish.

17 SENATOR McDANIEL: Okay.

18 SENATOR SPARKS: Senator Suber is a flip  
19 seat.

20 SENATOR McDANIEL: Right.

21 SENATOR SPARKS: Senator Whaley is a  
22 flip seat.

23 SENATOR McDANIEL: Right.

24 SENATOR SPARKS: I can go through about  
25 five or six.

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1 SENATOR McDANIEL: Sure.

2 SENATOR SPARKS: So if you're talking --  
3 and I want to make sure what we're talking  
4 about because this is my first trip through  
5 this road. But if we're in a position where  
6 your position is we need to make fair  
7 districts for Republicans, I'm curious of the  
8 five people in here who are in recently  
9 flipped districts.

10 SENATOR McDANIEL: Right.

11 SENATOR SPARKS: Which the 37 is also a  
12 recently flipped district, so that's number  
13 six.

14 SENATOR McDANIEL: It is. I agree.

15 SENATOR SPARKS: You have brought a plan  
16 to the table to try to protect 37 for the  
17 Republican Party. You have been instrumental  
18 in a media campaign saying some people are  
19 trying to make districts not competitive for  
20 Republicans, and I'm giving you a chance to  
21 push back on that because you could have  
22 protected me or Ben Suber or Mike Thompson or  
23 Neal Whaley, and I don't hear any of that.  
24 And potentially, your movements may impact  
25 them. But that's where my problem is.

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1           SENATOR McDANIEL: They don't. The  
2 movements don't impact at all.

3           Again, going back to the issue of why  
4 the correction is needed. Once you get that  
5 BVAP over 60 percent, the data shows there's  
6 no way for the Republican candidate to win.  
7 That's the only district in the state  
8 affected like that, which makes it important  
9 that's why the changes are being made.

10          In fact, to not make this change, we'll  
11 openly -- perhaps open this up to a  
12 constitutional challenge. And the reason for  
13 that is, you've got to be about so high as to  
14 not allow minority participation but to  
15 guarantee minority success. That's the  
16 distinction. And that's the only district  
17 where that occurred, which explains why I had  
18 concerns and, likewise, explains why I have  
19 the amendment as to that district.

20          SENATOR SPARKS: Okay. And so to go  
21 back to what you've said, you, basically,  
22 shifted Sandra Sojourner into Kelvin Butler's  
23 district instead of Albert Butler's district.

24          SENATOR McDANIEL: That's right.

25          SENATOR SPARKS: And you got your BVAP.

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1 And you have a new district in Rankin County,  
2 which I would submit to you is probably a  
3 Republican district.

4 SENATOR McDANIEL: Everything else is  
5 there.

6 SENATOR SPARKS: Okay.

7 SENATOR McDANIEL: Right.

8 SENATOR SPARKS: So how are you not  
9 going from 36 Republican districts to 37?  
10 How are you not eliminating a Democratic  
11 district?

12 You're going from 16 to 15 because  
13 you're changing a district that currently is  
14 represented by a Democrat.

15 SENATOR McDANIEL: Well, here's the  
16 thing.

17 SENATOR SPARKS: Because you took a  
18 Republican seat --

19 SENATOR McDANIEL: No, but hold on.

20 SENATOR SPARKS: -- and put it in Rankin  
21 County.

22 SENATOR McDANIEL: But you're not  
23 guaranteeing the Democrat or the Republican  
24 success by raising that BVAP to 46. You're  
25 giving each party a fighting chance to

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1 prevail. It's not a guaranteed flip. It  
2 just gives a fighting chance to the flip.  
3 Anything over 60 guarantees the loss.

4 SENATOR SPARKS: But the narrative over  
5 the last few days has been that there are  
6 forces that be that are weakening Republican  
7 districts to make them more competitive for  
8 Democrats, and I'm not seeing that on our  
9 map.

10 SENATOR McDANIEL: That's what happens  
11 in 37.

12 SENATOR SPARKS: I'm not seeing it on  
13 the first map.

14 SENATOR McDANIEL: No, no. That's  
15 exactly what happens in 37. You take a  
16 Republican who once had a 37 percent BVAP and  
17 merge that Republican now into a district  
18 that has 61 percent BVAP. That Republican  
19 cannot compete in that district. It is by  
20 virtue of that an elimination of a Republican  
21 seat, which is why I raised the alarm.

22 SENATOR SPARKS: Which is -- I see what  
23 you're saying there, but you're discounting  
24 the shift of population that requires either  
25 Rankin County or DeSoto County, who are the

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1 growing areas, end up -- you drew a new  
2 Senate seat in Rankin County because you  
3 recognize the population shift.

4 SENATOR McDANIEL: No, I didn't.

5 SENATOR SPARKS: Do you not?

6 SENATOR McDANIEL: What I did, I took  
7 the old map because I recognized this line of  
8 questions was going to be coming. I took the  
9 old map exactly as it was.

10 SENATOR SPARKS: When you say "old map,"  
11 I'm sorry, are you talking about --

12 SENATOR McDANIEL: The one that -- the  
13 big one right here.

14 SENATOR SPARKS: The map that was --  
15 okay.

16 SENATOR McDANIEL: The one that --

17 SENATOR SPARKS: Thank you.

18 SENATOR McDANIEL: So I took that whole  
19 map recognizing these questions were coming.  
20 I was concerned. I didn't want to hurt  
21 through a ripple effect unnecessarily. The  
22 idea was to go as far south as we could and  
23 not have that ripple effect break out and  
24 hurt other people. That's exactly what we  
25 did.

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1           So to your point, we didn't change  
2   anything else about the proposed map before  
3   the body. It's all still there. We didn't  
4   want to mess with that. We were just trying  
5   to make sure there was a fair election in  
6   District 37.

7           SENATOR SPARKS: Okay. But you do agree  
8   that you took the map that has been presented  
9   by the committee who spent the year going  
10   around the state, doing all this, it was  
11   voted, put together, and it's now before the  
12   body, did put a new district in Rankin  
13   County, which is traditionally a Republican  
14   stronghold.

15          SENATOR McDANIEL: It's still there,  
16   yeah.

17          SENATOR SPARKS: Okay.

18          SENATOR McDANIEL: Right.

19          SENATOR SPARKS: So that's my point is  
20   that I'm not an expert in election law by any  
21   stretch of the imagination. But I'm dealing  
22   with the reality of the transmission of  
23   communications that are going into Senate  
24   District 5 about Senate District 37, getting  
25   my folks stirred up, wanting them to write a



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1 letter supporting this, and my question to  
2 you is -- and you have not answered to any  
3 way, form, or fashion. You've assured more  
4 of a chance for me to return in reelection  
5 for the first time since Reconstruction as a  
6 Republican for Senate District 5. So I don't  
7 know why Tishomingo County Republican Club  
8 won't write a letter of support.

9 SENATOR McDANIEL: Well, I can answer  
10 that, I think. I think. The Republican  
11 Party in this state has fought for  
12 generations to gain a majority in the  
13 Legislature. I've been a part of that fight  
14 since I was 13 years old. I'm very, very  
15 serious about that fight. We are adversaries  
16 to our friends on the Democratic aisle. It  
17 doesn't make them bad people, but we're  
18 fighting for ideas and we're fighting for the  
19 future of the state.

20 I have fought my tail off for the  
21 Republican Party. I've done everything in my  
22 power to make sure we hold seats in the  
23 chamber.

24 And when I see a fellow Republican,  
25 whether it's Senator Sojourner or whoever

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1 else directly targeted by a BVAP that  
2 guarantees their defeat, I do take offense at  
3 that, serious offense at that, because we  
4 work too hard to build these majorities, too  
5 hard to pass the legislation we're trying to  
6 pass to allow it to be taken away by a  
7 redistricting plan that, yes, targets a  
8 Republican senator. I just think that's  
9 unacceptable.

10 So I think -- look, I think there are  
11 Republicans like that in the state. No  
12 matter where you are -- and the way I see it,  
13 an attack on any one of us like this -- which  
14 this isn't just a redraw where she may or may  
15 not prevail, this is an elimination. An  
16 attack on one of us in my mind, is an attack  
17 on all of us. That's just the way I see it.

18 SENATOR SPARKS: And I appreciate your  
19 willingness to defend. That's what we do  
20 professionally when we're not legislatures,  
21 we defend people.

22 SENATOR McDANIEL: That's right.

23 SENATOR SPARKS: But in all fairness, to  
24 say we are changing the number of Republican  
25 districts in this state if we adopt the first

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1 plan that's presented is simply untrue.

2 There will still be 36 and 16.

3 Unfortunately -- and I might be standing  
4 there making this same argument if it was my  
5 district. And, by the way, I want to be very  
6 clear. When I've asked you what you need to  
7 do for me to ensure reelection, the proper  
8 answer is nothing. You know who that's  
9 responsible --

10 SENATOR McDANIEL: That's yours.

11 SENATOR SPARKS: That's on me.

12 SENATOR McDANIEL: That's right.

13 SENATOR SPARKS: And I'm not asking for  
14 somebody to come in here and do something. I  
15 show up every day.

16 SENATOR McDANIEL: That's right.

17 SENATOR SPARKS: I sit right over there.  
18 I sit right here. I watch Alcorn State get  
19 celebrated. I watch a World War II veteran  
20 be celebrated. And one of the things he said  
21 today, and I wish you were here to hear it.

22 SENATOR McDANIEL: I was.

23 SENATOR SPARKS: He said --

24 SENATOR McDANIEL: I heard it.

25 SENATOR SPARKS: You heard it?

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1           SENATOR McDANIEL: I heard every bit of  
2 it. I sure did. And I thought what was  
3 amazing about him was his willingness to  
4 sacrifice for his friend. His friend was  
5 laying there dying.

6           SENATOR SPARKS: I'm proud you heard  
7 that.

8           SENATOR McDANIEL: I thought it was  
9 pretty credible as well that when he was  
10 possibly about to escape that, they told him  
11 that if you did escape, 10 of your colleagues  
12 would be killed or executed. And he said, "I  
13 couldn't go then." That's the kind of  
14 selflessness and sacrifice that I did hear  
15 about this morning. And it's the type of  
16 sacrifice and selflessness that I hope our  
17 party would display today as to other members  
18 who are about to have their careers  
19 eliminated.

20           So, yeah, I heard every word of it.

21           SENATOR SPARKS: Well, you know, you  
22 heard it through a speaker. I saw it come  
23 out of his mouth. It's like saying I  
24 listened to an Elvis CD or I saw him in  
25 person.

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1 SENATOR McDANIEL: I get it.

2 SENATOR SPARKS: It was real. It was  
3 palpable. It was impressive. And I'm going  
4 to tell you something else he said.

5 SENATOR McDANIEL: Go ahead.

6 SENATOR SPARKS: He said about the  
7 enemy, "I knew they were lying, but it  
8 sounded so good, I wanted it to be true."

9 SENATOR McDANIEL: I remember that.

10 SENATOR SPARKS: That's what I'm  
11 hearing.

12 SENATOR McDANIEL: I remember that.

13 SENATOR SPARKS: When I see information  
14 in our districts that stir up our people on  
15 erroneous information, we've got a problem,  
16 because people want it to be true, but it may  
17 not be.

18 SENATOR McDANIEL: Here's the thing. If  
19 you are attempting to eliminate a Republican  
20 seat by virtue of 61 percent BVAP, give that  
21 Republican no chance whatsoever at successful  
22 election. You are eliminating a Republican  
23 from this chamber. We should be picking up  
24 two seats, not just balancing it out with the  
25 supermajority that we've got here. That's

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1 the (inaudible) of it. So I don't know how  
2 else to see it.

3 SENATOR SPARKS: And I think to be fair,  
4 in the district as it stood for the past  
5 several years, it has been a Democratic  
6 district by representation.

7 SENATOR McDANIEL: Which one, 37?

8 SENATOR SPARKS: 37.

9 SENATOR McDANIEL: Yeah.

10 SENATOR SPARKS: It's been a Democratic  
11 district by representation. A razor thin  
12 margin in both 12 and 16 --

13 SENATOR McDANIEL: Yes, sir. Can I  
14 answer that real quick?

15 SENATOR SPARKS: Sure.

16 SENATOR McDANIEL: That's why I think  
17 it's so imperative to find a way to reduce  
18 the BVAP, and here's why. The suggestion is  
19 that Democrats can compete. That community  
20 of interest is already there. That's the  
21 argument that the courts are going to hear.  
22 There's no reason to increase the BVAP to  
23 60-plus percent unless it is just a political  
24 assassination.

25 So when you hear about Democratic

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1 strength in that territory, the argument is,  
2 yes, this community of interest. Yes, they  
3 can compete. And they can do very well even  
4 at numbers less than 46, which is why the 46  
5 number is going to pass constitutional  
6 muster. This is a better plan  
7 constitutionally than the one before the body  
8 because it gives each candidate a fighting  
9 chance in a traditionally held Democratic  
10 district.

11 If you go the other route, you  
12 assassinate the Republican via a 61 percent  
13 BVAP, using race to do that. Government  
14 can't use race in that fashion. It's  
15 impermissible under the Voting Rights Act and  
16 under the 14th Amendment to the Constitution.  
17 So that's a problem. And that's what we're  
18 trying to correct.

19 To pass this amendment, it just simply  
20 reduces that BVAP to a fair area where both  
21 parties can compete. That's the type of  
22 colorblind society that Thomas has been  
23 working for, and the Supreme Court over the  
24 last several years. And it gives each party  
25 a chance, which is what the Voting Rights Act

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1 demands. It doesn't say "guaranteed  
2 victory." It says an equal chance to  
3 participate in the election. That's exactly  
4 what the amendment does. It strengthens it.

5 SENATOR SPARKS: Thank you for taking my  
6 questions.

7 SENATOR McDANIEL: You're welcome.

8 MR. PRESIDENT: Senator McMann, you're  
9 recognized.

10 SENATOR McMAHON: Introduction out of  
11 order.

12 MR. PRESIDENT: Please proceed.

13 (Introductions.)

14 MR. PRESIDENT: Senator Polk, for what  
15 purpose, sir?

16 SENATOR POLK: Question, Mr. President.

17 MR. PRESIDENT: Will you yield, Senator  
18 McDaniel?

19 SENATOR McDANIEL: Yes, sir.

20 MR. PRESIDENT: Senator Polk is  
21 recognized for a question.

22 SENATOR POLK: Thank you, Mr. President.  
23 Thank you, Senator.

24 SENATOR McDANIEL: You're welcome.

25 SENATOR POLK: I want to go back for



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1 some clarification.

2 You said your map was printed about 9:00  
3 last night.

4 SENATOR McDANIEL: That's when I  
5 received it. I'm not sure when it was  
6 actually printed. I have no idea when they  
7 printed it.

8 SENATOR POLK: Okay.

9 SENATOR McDANIEL: That's when we were  
10 able to collect them all. And this morning I  
11 actually have another one that just arrived.

12 SENATOR POLK: Okay. So that map is  
13 a -- is an illustration of your amendment.

14 SENATOR McDANIEL: That's what it's  
15 supposed to be, yes.

16 SENATOR POLK: When was your amendment  
17 written?

18 SENATOR McDANIEL: Practically the same  
19 time. What happens if you go over to the map  
20 room and you're able to sit there and begin  
21 to kind of pound through these numbers, the  
22 amendment then -- I guess it's just  
23 translated over to (inaudible), and he writes  
24 the amendment, but I can't answer your  
25 question as to those details.

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1           SENATOR POLK: So would a good answer be  
2   from you that it was probably around 9:00  
3   that would -- at the time that your amendment  
4   was finalized?

5           SENATOR McDANIEL: I have no idea. All  
6   I can tell you is we went over there with a  
7   computer, we went through --

8           SENATOR POLK: Was it last night?

9           SENATOR McDANIEL: It was all day  
10   yesterday off and on, yes. And so what  
11   happened --

12          SENATOR POLK: When it ended, was it  
13   last night?

14          SENATOR McDANIEL: I can't answer what  
15   time they printed it. I have no idea.

16          SENATOR POLK: I tell you what to do.  
17   Give me the latest time that you could  
18   possibly give me that it was finished.

19          SENATOR McDANIEL: I have no idea  
20   because what I did, I gave them what I wanted  
21   to see. And then I let the computer guys  
22   work. I left. I let them work as best they  
23   could. When they actually finished putting  
24   all that stuff together, I have no idea. I  
25   can't answer the question.

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1           SENATOR POLK:   Okay.   So when did you  
2   leave them?

3           SENATOR McDANIEL:   I was over there off  
4   and on most of the day.   I can't answer that.  
5   Maybe in the afternoon.   I don't know.

6           SENATOR POLK:   Late afternoon?

7           SENATOR McDANIEL:   I don't know.   It was  
8   getting dark.

9           SENATOR POLK:   Here's where I'm headed.

10          SENATOR McDANIEL:   Yeah.

11          SENATOR POLK:   You earlier during  
12   Senator McMahon's questioning said that you  
13   had lawyers view -- look at your amendment.

14          SENATOR McDANIEL:   Right.

15          SENATOR POLK:   So if they -- you didn't  
16   finish until, let's say, 5:00 last night.

17          SENATOR McDANIEL:   Right.

18          SENATOR POLK:   That was a pretty quick  
19   review they had to do.

20          SENATOR McDANIEL:   Right.

21          SENATOR POLK:   How many lawyers did you  
22   have review it?

23          SENATOR McDANIEL:   Two.

24          SENATOR POLK:   And who were they?

25          SENATOR McDANIEL:   My law firm.   Me,

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1     yeah, and one other in north Mississippi.

2             SENATOR POLK:   Okay.   Two lawyers?

3             SENATOR McDANIEL:   A total of three, but  
4     two in my firm.

5             SENATOR POLK:   Okay.   Give me their  
6     names, please.

7             SENATOR McDANIEL:   Me and Brett  
8     Robinson.

9             SENATOR POLK:   Say again.

10            SENATOR McDANIEL:   Me and Brett  
11     Robinson.

12            SENATOR POLK:   You just said there were  
13     three.

14            SENATOR McDANIEL:   Pat Krueger (sic).

15            SENATOR POLK:   Okay.

16            SENATOR McDANIEL:   She's an attorney in  
17     north Mississippi.   She took a look at it,  
18     and she's been sending me information pretty  
19     much all day on her perception, her opinion.

20            SENATOR POLK:   Okay.   And they are  
21     experts in --

22            SENATOR McDANIEL:   As much as any lawyer  
23     is.

24            SENATOR POLK:   Well --

25            SENATOR McDANIEL:   Well, let me tell

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1 you --

2 SENATOR POLK: -- let me ask you this.

3 SENATOR McDANIEL: Hold on one second.

4 SENATOR POLK: Does she have -- I'm  
5 going to ask --

6 SENATOR McDANIEL: Hold on.

7 SENATOR POLK: I'm still asking the same  
8 question, sir.

9 SENATOR McDANIEL: You said, "Are they  
10 experts?"

11 SENATOR POLK: Is she as good of an  
12 expert as our experts that have been hired by  
13 the contract?

14 SENATOR McDANIEL: There's absolutely no  
15 way to answer that. Lawyers have different  
16 specialties.

17 I can tell you from my perspective only.  
18 I have exercised and I have worked in this  
19 arena. I helped redraw the last maps we did.  
20 As a federal law clerk, I was able to review  
21 maps constantly that were coming through for  
22 screenings. And I worked with our Fifth  
23 Circuit quite a bit on that as well.

24 So, I mean, I've got extensive  
25 experience in it, and I'm sure they have some

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1 as well. But I can't answer as to who has  
2 more or who has less.

3 SENATOR POLK: Well, I'm a layman, and  
4 I'm standing here having to depend on you to  
5 tell me why I should vote for your map.

6 SENATOR McDANIEL: Yes, sir.

7 SENATOR POLK: And it's very important  
8 to me as to who you have employed or through  
9 friendship had to review maps.

10 SENATOR McDANIEL: Yes, sir.

11 SENATOR POLK: And I need to compare  
12 their experience in this as opposed to peer  
13 and the contract lawyers that have had years  
14 of experience and have proven that they can  
15 draw maps that the state of Mississippi  
16 doesn't end up in trouble with the federal  
17 courts.

18 SENATOR McDANIEL: Well, but to your  
19 point right there, the last time we went  
20 through this process, there was a lawsuit.  
21 And despite the fact we were told it was rock  
22 solid and it would not be challenged, Senator  
23 Clark's district was, essentially, reversed.  
24 So they weren't right.

25 The point is lawyers aren't perfect. We

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1 do the best job we can under tough  
2 circumstances. Courts can change.  
3 Appointments to those judges can change over  
4 time. But the knowledge as to how to get  
5 from point A to point B in litigation, most  
6 of us share that.

7 So it's not as though this is a  
8 perfectly specialized area like patent law.  
9 This is an area one can research. It's  
10 federal law. And we all had federal  
11 jurisdiction in law school, and we've all  
12 gone through federal civil procedures, and  
13 we've all probably tried cases in federal  
14 court. So this is not inherently complex.  
15 The law is very clear in this arena. And  
16 it's evolving every day getting better.

17 SENATOR POLK: So you're telling me, so  
18 I'll understand, that you had three lawyers  
19 look at your amendment after 5:00 yesterday,  
20 and they're confident that we will not get in  
21 any trouble with this map and your amendment?

22 SENATOR McDANIEL: They're as confident  
23 as the lawyers were 10 years ago that said we  
24 would. That's all lawyers can offer you is  
25 an educated opinion on what they believe is

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1 going to happen. There's no way to predict  
2 what the court is going to do, nor is there  
3 another way to understand how the panel is  
4 going to be selected once you go up.

5 I will tell you this, too --

6 SENATOR POLK: You're giving me way too  
7 long of answers to my questions.

8 SENATOR McDANIEL: No. No, sir.

9 SENATOR POLK: We can move this along.

10 SENATOR McDANIEL: This does matter.

11 You've asked, and I have a right to answer.

12 If you have a court or a jurisdiction  
13 where a federal judge that could perhaps see  
14 this map was appointed by a Democrat, then  
15 naturally -- Barack Obama, Bill Clinton,  
16 whomever -- naturally, their orientation and  
17 view of the law is going to be different than  
18 a Republican judge that's been appointed.

19 So what occurs, naturally, there will be  
20 steps. You may go to the district court  
21 level and have some problems there. But on  
22 appeal with the Fifth Circuit is mostly  
23 Republican-appointed lawyers, you may have  
24 some success there.

25 You're asking for a guarantee. Lawyers



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1 can't give you a guarantee.

2 SENATOR POLK: Yes or no, three lawyers  
3 reviewed this after 5:00 p.m. yesterday?

4 SENATOR McDANIEL: Yes.

5 SENATOR POLK: Thank you.

6 MR. PRESIDENT: Thank you, Senators.

7 Senator Blount, for what purpose do you  
8 seek recognition, sir?

9 Senator Blount passes.

10 Senator England, for what purpose do you  
11 seek recognition, sir?

12 SENATOR ENGLAND: I have a few  
13 questions, Mr. President.

14 MR. PRESIDENT: Senator McDaniel, will  
15 you yield for questions?

16 SENATOR McDANIEL: Yes, of course.

17 MR. PRESIDENT: Senator England, you're  
18 recognized.

19 SENATOR ENGLAND: Thank you, Senator  
20 McDaniel, and I appreciate you taking my  
21 questions. I know we're getting deep into  
22 the lunchtime hour now, and I found a diet  
23 for me in Jackson is just to engage in debate  
24 and not go eat lunch. So I appreciate you  
25 taking my questions and giving me this good

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1 opportunity to miss a lunch today.

2 I don't like to talk partisan politics  
3 in the chamber.

4 SENATOR McDANIEL: Right.

5 SENATOR ENGLAND: You know, we're  
6 elected Republicans and Democrats, and -- but  
7 we've talked about it a lot today. You know,  
8 these type of topics just bring that into the  
9 discussion. You'd agree?

10 SENATOR McDANIEL: Yeah, it's  
11 uncomfortable, but it happens.

12 SENATOR ENGLAND: Right. It happens.  
13 But since we're here and since we're talking  
14 about partisan politics, I just wanted to  
15 mention to you why it is that I'm a  
16 Republican. I'm going to ask do you agree.  
17 I think you do. We're both of the Republican  
18 Party. And before I do, I'd say that I'm a  
19 Republican because I agree with the platform.  
20 I don't agree with the platform because I  
21 wanted to run for an election and be a  
22 Republican. Is that the same thing as --

23 SENATOR McDANIEL: I think that's fair.

24 SENATOR ENGLAND: Okay. And our  
25 platform -- and I know I may leave some

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1 things out, but I know that we're for small  
2 government. We're for low taxes. You know,  
3 we love our small businesses and our  
4 businesses in general in Mississippi. We  
5 want it -- the government to get out of the  
6 way. We don't want our government picking  
7 winners and losers in the state. We want  
8 people to stand and believe in capitalism.

9 Did I state our party platform in a very  
10 general sense?

11 SENATOR McDANIEL: Yeah, that's fair. I  
12 mean, that's a fair assessment. There are,  
13 obviously, some differences between  
14 Republicans, you know, from the Mitt Romneys  
15 of the world all the way to the Ted Cruzes of  
16 the world. But, yeah, that's a fair  
17 generalization.

18 SENATOR ENGLAND: That's right.

19 Well, there was a time when Republican  
20 politics in the state were pretty much  
21 nonexistent. Would you agree with me there?

22 SENATOR McDANIEL: They once told me  
23 they could put them in a phone booth when  
24 they met. I don't know if that's true. That  
25 was before my time. But, yeah, it was a

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1 while back.

2 SENATOR ENGLAND: And I love history,  
3 and having the World War II veteran today,  
4 man, I was in tears over here listening to  
5 it. I just love history all over the place.

6 But our state history, there was a long  
7 time where if you weren't running as a  
8 Democrat, you weren't going to get elected in  
9 this state is my understanding.

10 Is that your understanding?

11 SENATOR McDANIEL: Partially, yes. I  
12 mean, particularly in the '60s and '70s.  
13 Yeah, you saw that especially in local races  
14 with sheriffs and judges -- well, not judges,  
15 but supervisors. So, yeah, absolutely. That  
16 was the case for a long time.

17 SENATOR ENGLAND: Okay. Now, as we sit  
18 in here, we do sit in a Republican  
19 supermajority here in this body; is that  
20 right?

21 SENATOR McDANIEL: Yes, our party --

22 SENATOR ENGLAND: Has apparently made  
23 great strides from those times where you  
24 couldn't run as a Republican and get elected.

25 Would you agree?

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1           SENATOR McDANIEL: From a numerical  
2     standpoint, it has, yes.

3           SENATOR ENGLAND: Okay. And from what I  
4     can tell, and what I hope to be true, and  
5     what I believe to be true, is that we have  
6     seen great strides among our party in this  
7     and in the body across the hall over there  
8     across the building. Those strides have  
9     taken place because we've talked about our  
10    platform so much that we've made people see,  
11    that, look, I think that's smart government  
12    the Republican Party has there. I'm going to  
13    vote for the Republican candidate that's  
14    going to stand for that platform.

15           Is that how you understand how we got  
16    here today?

17           SENATOR McDANIEL: Well, in part, yes;  
18    in part, no. It would just depend on the  
19    candidate and how they were campaigning.

20           You mentioned that you are a Republican  
21    because of the platform, not to just use it  
22    to get elected. And there are some -- you  
23    know how it is, some will use the platform to  
24    get elected, but then, perhaps, don't share  
25    those values.

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1           SENATOR ENGLAND: Yeah, I understand  
2   that. Now, look, whether I agree with that  
3   or not, I'm a Republican because of the  
4   platform we have. I support the platform.

5           SENATOR McDANIEL: That's right.

6           SENATOR ENGLAND: Now, I heard a while  
7   ago you said that if you have a BVAP, which  
8   is, again, black voting age population, if  
9   you have it above 60 percent in a certain  
10  district, that you're -- I believe you said  
11  it's a political assassination. Is that --

12          SENATOR McDANIEL: Yeah, the data shows  
13  it's just almost impossible in a state like  
14  ours to overcome that disparity.

15          SENATOR ENGLAND: Okay.

16          SENATOR McDANIEL: The data shows that  
17  as you reduce it down close to low 50s, and  
18  then in the 40s, that both parties have a  
19  more fair chance.

20          Now, there will always be an exception  
21  or two somewhere, I suppose. But that's what  
22  the data seems to indicate, that it pretty  
23  much puts an end to the GOP candidate.

24          SENATOR ENGLAND: Well, Senator  
25  McDaniel, I'll tell you currently I represent

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1 District 51. And District 51 has the great  
2 city of Moss Point in my district. It's a  
3 majority-minority city. It may be the only  
4 one on the Coast. I'm not sure.

5 But like my friend, Senator Sparks over  
6 here, I had not really paid attention or even  
7 knew what BVAP meant until we got into this  
8 redistricting process. And I don't think I  
9 got many votes out of Moss Point. But my  
10 goal when I saw those numbers was, how do I  
11 go -- how do I try to get votes out of Moss  
12 Point, Republican votes?

13 SENATOR McDANIEL: Yeah.

14 SENATOR ENGLAND: And the only way I saw  
15 to do that, Senator McDaniel, was to come up  
16 here and stand on the platform that I know  
17 works for good government. Take votes based  
18 on that platform and go back and tell folks  
19 at home, "Look, our state is doing better  
20 because of this platform and these votes that  
21 I'm taking."

22 SENATOR McDANIEL: Right.

23 SENATOR ENGLAND: Do you think that's  
24 maybe a good way to help the Republican Party  
25 in Mississippi?

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1           SENATOR McDANIEL: It's a good start for  
2     sure.

3           SENATOR ENGLAND: Okay. Well, the  
4     reason I say that is based on -- you know, I  
5     had a dinner -- and I don't know if you had a  
6     chance to have one of these dinners, but  
7     Senator Sparks and I went to dinner with  
8     Senator Albert Butler, Senator Sampson  
9     Jackson, who was here with us last year, and  
10    Senator John Horhn. We had a great dinner  
11    last year at Char where we sat around the  
12    table and we talked about challenges in our  
13    state, and we talked about goals in our  
14    state, where we want to see our kids have a  
15    better state one day, or our grandkids and  
16    how we want to get there.

17           And I'll tell you what I found, Senator  
18    McDaniel. We all had the same goal.

19           SENATOR McDANIEL: Yeah.

20           SENATOR ENGLAND: We just have a  
21    different ideology and a different  
22    philosophical way of maybe getting there.

23           SENATOR McDANIEL: That's right. I  
24    agree with that.

25           SENATOR ENGLAND: Okay. Well, that



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1 dinner was very important to me, because it  
2 set me out on a challenge that if I want us  
3 to help reach those goals -- and I believe my  
4 philosophy and my ideological platform of  
5 getting there is the best way to do it --  
6 I've got to talk to my fellow Democrats to  
7 get to that point, right?

8 SENATOR McDANIEL: Yeah, that makes  
9 sense.

10 SENATOR ENGLAND: Okay. And, look, I  
11 know I may be rambling, but we're getting  
12 into partisan a bunch more. I love Senator  
13 Blackmon here. She gets loud sometimes,  
14 that's great.

15 But the point I'm trying to make is,  
16 Senator McDaniel, you're a great orator. I  
17 enjoy every time you stand up and ask  
18 questions. I enjoy it whenever you talk from  
19 the well. And one of my favorite things that  
20 you've said when you were speaking of your  
21 late father, you would say, "When I wake up  
22 in the morning" -- your father told you,  
23 "When you wake up in the morning and you hear  
24 the sound of battle, run to that battle,"  
25 right?

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1 SENATOR McDANIEL: Yes.

2 SENATOR ENGLAND: Well, I would say that  
3 the Republican Party may be making a mistake  
4 pretending that BVAP is our enemy.

5 SENATOR McDANIEL: Yeah.

6 SENATOR ENGLAND: It's a challenge, no  
7 doubt. But why don't we wake up and run to  
8 that challenge and look at BVAP as something  
9 we could work with? Do you think we could  
10 maybe do that?

11 SENATOR McDANIEL: Yeah, I can answer  
12 that. I think that, naturally, I wish the  
13 state wasn't as polarized as it is sometimes  
14 and has been in the past.

15 I think another core Republican  
16 principle, and I think people sometimes  
17 forget about this is that you reject  
18 collectivism. And collectivism is a  
19 dangerous component. It can be a centralized  
20 government. It can be a centralized  
21 corporate authority. But, more importantly,  
22 people tend to separate themselves among race  
23 and gender and things of that nature when the  
24 most valuable thing we have are just  
25 individuals.

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1           And I've always tried to conduct myself,  
2    tried to recognize and appreciate the dignity  
3    of each individual, as opposed to the  
4    collectiveness lens that we tend to see  
5    ourselves through.

6           Unfortunately, because of the nature of  
7    politics in this state and the past, a lot of  
8    people still see it through those  
9    collectiveness lens, through those lens of  
10   race or gender or whatever the case may be.

11           And we should -- everything that we can  
12   do as Republicans reach out and try to  
13   convince people that it's the individual that  
14   matters most.

15           But in many respects you're arguing  
16   against history and against social and  
17   cultural norms, and it creates complexities.  
18   And, I agree, it should not be our enemy. I  
19   would love to see the day where people all  
20   over this state appreciated those values you  
21   discussed, but it just so happens from the  
22   Justice Department standpoint, from the  
23   Voting Rights Act standpoint -- remember, I  
24   didn't create the term "BVAP," they did. The  
25   feds did that. That was their way to try to

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1 determine what was going to be permissible in  
2 states and not permissible in states. And  
3 they did that based on the data.

4 So when we're talking about BVAP being  
5 an enemy, we don't want it to be, but the  
6 data shows that it certainly can be in  
7 general elections.

8 And so as we work as people to begin to  
9 put away those old ways and focus on  
10 individualism and focus on the dignity of  
11 individuals, you may see that changed one  
12 day. But, unfortunately, we're still in an  
13 era where that's not happening just yet.

14 SENATOR ENGLAND: So it's definitely we  
15 have a lot of things that need to be looked  
16 at in this map. We've got BVAP, we've got  
17 split -- you know, split precincts that we  
18 look at. We try to prevent that. We look at  
19 communities.

20 There's a lot of things to look at and  
21 that comes down from the feds, it comes down  
22 from our own rulings and our own precedents.

23 There's a lot to look at; is that right?

24 SENATOR McDANIEL: It can be. The key  
25 there, you do your best to use those

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1 guidelines.

2 SENATOR ENGLAND: Okay.

3 SENATOR McDANIEL: But when it becomes  
4 constitutionally problematic is when the  
5 guidelines focus on race. It's one thing for  
6 the Voting Rights Act to try to recognize  
7 people's opportunity. It's quite another for  
8 Republican or Democratic legislatures to pass  
9 Voting Rights Act amendments under that  
10 pretext that then discriminates by virtue of  
11 the passage. And both parties have been  
12 guilty of that.

13 What this amendment does, it eliminates  
14 that component. We're not allowing race to  
15 be used to, basically, predict the outcome of  
16 a race. We're trying to get it down to a  
17 level where both sides have a fighting  
18 chance.

19 SENATOR ENGLAND: Well, let me say one  
20 thing that I think -- and this is a point --  
21 I hate to ask these, you know, "would you  
22 agree" questions, but I'm going to do it  
23 here.

24 You know, I didn't see -- I didn't see  
25 any committee meetings dealing with this map.

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1 And I didn't get to deal with -- I didn't --  
2 the first time I saw this map was this  
3 morning. But I did see Senator Dean Kirby  
4 and the committee here and the committee from  
5 the House had many, many meetings where they  
6 debated things just like what you're  
7 mentioning right here.

8 SENATOR McDANIEL: That's right.

9 SENATOR ENGLAND: And they've come up  
10 with a product with all of those things in  
11 mind.

12 SENATOR McDANIEL: That's right.

13 SENATOR ENGLAND: And I appreciate the  
14 work they've done. I think that they're  
15 smarter than me when it comes to this kind of  
16 thing.

17 But I think we're focusing on the wrong  
18 things. I don't like the impression that I'm  
19 getting in here that we're trying to draw  
20 certain districts to be better for one party  
21 or the other. I don't like that. I think  
22 that that's not what we need to be focusing  
23 on.

24 I think that if our platform is the  
25 right winner, and if our ideology works, and

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1 if our political beliefs work, that's what we  
2 need to stand on, and that's what we need to  
3 work towards.

4 Would you agree with that?

5 SENATOR McDANIEL: I understand your  
6 position.

7 SENATOR ENGLAND: Do you agree with  
8 that?

9 SENATOR McDANIEL: Well, yes and no,  
10 because there's a slight caveat.

11 Yes, the short answer is in a perfect  
12 world where we weren't divided like we are --

13 SENATOR ENGLAND: Well, we don't have a  
14 perfect world. We understand that. We're  
15 not going to have a perfect map, obviously,  
16 either.

17 SENATOR McDANIEL: But remember, we  
18 start with a premise established in large  
19 part by federal legislation here because of  
20 our imperfect world. So now we have to act  
21 under that legislation, recognizing the  
22 imperfections, which is what we have here,  
23 which is why BVAP is so important.

24 Should it be? No.

25 In a better world, would it be? No.

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1           SENATOR ENGLAND: Well, let's make it a  
2 better world, right? Let's go forward and  
3 make it a better world. If it's not  
4 currently, let's do what we can without doing  
5 it with blinds on a map. Let's go make it a  
6 better world and accept the challenges that  
7 we have before us as a party, right?

8           SENATOR McDANIEL: And if that's the  
9 case -- and I agree with you. If that's the  
10 case, then why do we need a single  
11 majority-minority district in the state? Why  
12 should it be required?

13           SENATOR ENGLAND: Well, look.  
14 Apparently, the lawyers will tell you that,  
15 you know, we have requirements we have to  
16 look at.

17           SENATOR McDANIEL: Yeah.

18           SENATOR ENGLAND: And, look, I don't  
19 want to take any districts away. I don't  
20 want any communities to be left out of any  
21 feeling they have on this. But there's no  
22 law that prevents a Republican from going and  
23 running in those districts either and trying  
24 to convince the people that, look, this is  
25 where we need to be. We can hold town halls,



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1 we can hold Facebook videos that are focused  
2 in those areas and talk about what works.

3 But I think what we're doing right now  
4 is a disservice to all of us in here by  
5 making this such a contentious point that's  
6 not even based on ideology or policy.

7 SENATOR McDANIEL: It's a contentious  
8 point because the Justice Department is  
9 demanding it be. It's trying to take those  
10 actions.

11 Think of it this way, to your point, if  
12 your point is taken to its logical extreme,  
13 which I hope one day it is, then naturally  
14 the result should be no mandated  
15 majority-minority districts. They shouldn't  
16 exist because you're using race as a target  
17 in those districts and you're forming them.

18 The question is why are we --

19 SENATOR ENGLAND: Does your map do that?

20 SENATOR McDANIEL: No, no. That's just  
21 it. The map does nothing different than  
22 what --

23 SENATOR ENGLAND: So your map --

24 SENATOR McDANIEL: Hold on.

25 SENATOR ENGLAND: I'm sorry. So I got

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1 you one district.

2 SENATOR McDANIEL: Hold on. Hold on.

3 SENATOR ENGLAND: You said you did that  
4 on one district. Did it do it in all the  
5 other ones?

6 SENATOR McDANIEL: No. Hold on for a  
7 second. Hold on. You didn't let me finish.

8 Here's the thing. Remember, the  
9 question is, if we are moving toward that  
10 better world, then, naturally, I would hope  
11 the Justice Department, I would hope the feds  
12 would see that. Naturally, I think they  
13 would understand that mandating  
14 majority-minority districts will be  
15 unnecessary.

16 And in the world you described, it would  
17 be unnecessary. But that's not the world we  
18 have. We have federal courts and the Voting  
19 Rights Act trying to somehow balance what  
20 they consider to be inequalities or  
21 inequities in the system.

22 SENATOR ENGLAND: So why the focus on  
23 this one district?

24 SENATOR McDANIEL: Because when you go  
25 over 61, it's no longer about providing

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1 fairness. It's about providing a guaranteed  
2 victory. And that's the distinction the  
3 courts have made.

4 SENATOR ENGLAND: Are there other  
5 districts with greater than 61?

6 SENATOR McDANIEL: Other districts in  
7 this map?

8 SENATOR ENGLAND: Yes.

9 SENATOR McDANIEL: Yes.

10 SENATOR ENGLAND: Well, what did you do  
11 with those?

12 SENATOR McDANIEL: That's just it. They  
13 don't comprise a target which is a Republican  
14 senator. That's why this district matters.

15 Here's another reason. Here's another  
16 reason.

17 SENATOR ENGLAND: Well, that district  
18 had a Democrat senator before 2019, correct?

19 SENATOR McDANIEL: Every time we make a  
20 change -- you asked why we didn't take them.  
21 Every time we make a change, you have this  
22 massive ripple effect, and we're still under  
23 the guidance of the Voting Rights Act.

24 So remember, if you start repealing back  
25 every single majority-minority district,

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1     there would be a violation. But if you bring  
2     back one, right, into a more fair standards  
3     and you compare it to where we were 10 years  
4     ago, where we picked up two, essentially,  
5     we're back to the number 14, which would be  
6     perfectly fair to all parties involved under  
7     the VRA.

8           SENATOR ENGLAND: So we don't have a  
9     perfect world. We don't have a perfect map.  
10    We don't have a perfect state. But what  
11    you're trying to create here is one perfect  
12    district; is that right?

13           SENATOR McDANIEL: It's not a perfect  
14    district. It's a district that is  
15    competitive on both sides. It satisfies both  
16    sides of the equation.

17           If you bring the BVAP to the district  
18    too low, it is tilted toward the Republican.  
19    If you put it up there in the high 40s,  
20    there's a balance there, and both sides have  
21    a fighting chance to win. With the same  
22    ideas you've expressed, they can now go  
23    across, they can talk, and they can win the  
24    day based on those closer numbers.

25           SENATOR ENGLAND: Well, I don't think

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1 you would disagree with this. I'm not  
2 worried about being an underdog at any point  
3 in time. I don't think you are either.

4 SENATOR McDANIEL: That's right.

5 SENATOR ENGLAND: So, you know, if  
6 there's a challenge let's take some advice  
7 from a great man that once said, you know,  
8 "Rise and run towards a challenge," and let's  
9 do it that way. We're not going to draw  
10 perfect battles on everything. Let's look at  
11 what we've got, and let's go with it.

12 I'm happy with what our attorneys and  
13 what Senator Kirby and his committee has come  
14 up with, and I plan to support theirs today.  
15 I appreciate what you've done.

16 But another question I would ask you  
17 before I sit down is, you know, will you help  
18 me bring our message to areas where maybe  
19 it's not being heard or being as accepted as  
20 it is for whatever reason so that maybe we  
21 don't have to worry about that anymore? We  
22 can just talk about philosophy and ideology.

23 SENATOR McDANIEL: Anywhere, anytime.

24 SENATOR ENGLAND: Okay. Thank you, sir.

25 SENATOR McDANIEL: Anywhere, anytime.

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1 MR. PRESIDENT: Okay. Senator Whaley.

2 SENATOR WHALEY: Question, please.

3 MR. PRESIDENT: Yes, you're recognized,  
4 Senator. For what purpose, sir?

5 SENATOR WHALEY: For a question, please.

6 MR. PRESIDENT: Please proceed.

7 SENATOR WHALEY: Thank you,  
8 Mr. President.

9 Senator, you know, I heard your  
10 statement about the amendment and when it was  
11 drawn up, and you had been conferring with  
12 several attorneys, and I heard you mention a  
13 name that resounds with me and it may not  
14 resound with many other people besides  
15 myself, you, Senator Sojourner, Senator  
16 Sparks.

17 We all know Ms. Pat Krueger very well.  
18 She happens to be a constituent of mine.

19 SENATOR McDANIEL: Right.

20 SENATOR WHALEY: And you said that y'all  
21 had been conferring about this.

22 SENATOR McDANIEL: She's been texting  
23 all morning.

24 SENATOR WHALEY: And yesterday as well.  
25 You stated yesterday.

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1           SENATOR McDANIEL: All morning she's  
2   been texting. The question was how many have  
3   reviewed it, and that was this morning.  
4   There's been three total.

5           SENATOR WHALEY: You just began to  
6   review today?

7           SENATOR McDANIEL: No, she's been  
8   texting this morning. I can show you the  
9   text.

10          SENATOR WHALEY: You know, we have a  
11   point here. You know, Ms. Pat, she's a woman  
12   that you can put a lot of pronouns about.  
13   She's a very intelligent lady. She's a very  
14   vocal lady.

15          SENATOR McDANIEL: Yeah.

16          SENATOR WHALEY: But I've never known  
17   her to be dishonest. And she and I, we've  
18   been talking as well.

19          SENATOR McDANIEL: Yeah.

20          SENATOR WHALEY: And I have not heard  
21   anything from her about this issue.

22          SENATOR McDANIEL: I can show you the  
23   text.

24          SENATOR WHALEY: And she and I -- well,  
25   you should have showed it to me before. And

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1 that's the thing --

2 SENATOR McDANIEL: But you didn't ask  
3 until then. But I can show you the text.

4 SENATOR WHALEY: You know, she's --  
5 Senator, that comes back to a previous made  
6 point as well about going into people's  
7 district with this amendment. You've had  
8 this amendment, and previous times in the  
9 past, you've put out an amendment that was  
10 important on Facebook so that everybody in  
11 the world could see.

12 SENATOR McDANIEL: Yeah.

13 SENATOR WHALEY: You've taken time to go  
14 back and put out to your followers, and which  
15 a lot of them are my followers, and we've all  
16 been sent these e-mail chains that we  
17 absolutely cannot answer. And I try to  
18 answer my e-mails. I try to answer my phone  
19 call. I try to answer my text messages.

20 SENATOR McDANIEL: Right.

21 SENATOR WHALEY: And I understand that  
22 you answer every single one of those, and I'm  
23 not quite sure how you do it. I guess you  
24 don't never sleep or you've got somebody on  
25 the payroll because I can't do it.



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1           And I think that the phrase earlier was  
2   disingenuous information, and I'm just going  
3   to say it's dishonest information. Because  
4   I'm not a fancy lawyer. I don't have a  
5   thesaurus full of pronouns to describe words.  
6   So I'm just going to call it like it is  
7   because that's where I come from, small town  
8   Mississippi.

9           SENATOR McDANIEL: Right.

10          SENATOR WHALEY: And I think that what  
11   you've done here is dishonest.

12          SENATOR McDANIEL: Okay.

13          SENATOR WHALEY: And if you wanted us to  
14   follow this amendment and work with us on  
15   this amendment, you should have been honest  
16   with us. You should have worked with us  
17   instead of springing it on us at the last  
18   minute.

19          SENATOR McDANIEL: Listen, I get that,  
20   and I'll answer the question. I understand  
21   all these items are tense, and they're going  
22   to be tense from time to time. I'm a  
23   conservative. I told you that. I'm going to  
24   fight for the things I believe in, and I  
25   trust you will as well. We could not make

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1 amendments to the map at all until we  
2 actually saw the whole map. The reason is  
3 there was no place to even start. And this  
4 was one of several that we made.

5 But remember, the reason it was delayed  
6 even a little bit was because of that. Until  
7 we saw the map, there was no way to even  
8 begin the amendment process. And that was  
9 because of the secrecy for whatever reason  
10 that was existing.

11 So the point was, I would have loved to  
12 have done this a week ago or two weeks ago.  
13 It was just practically logistically  
14 impossible to do.

15 But now, to your other points -- and I  
16 don't know how to really say this. I'm not  
17 trying to hurt you or Ms. Pat or anybody  
18 else. I'm going to fight for the same things  
19 I've been fighting for for 15 years. And you  
20 can go back on Facebook or whatever for 15  
21 years. I haven't changed my message. This  
22 is the same issues I believe strongly about.  
23 I don't anticipate I'll ever change the way I  
24 see these issues. I'm not trying to hurt  
25 anybody, I'm just trying to fight for what I

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1 believe in.

2 SENATOR WHALEY: Let me make this other  
3 question.

4 SENATOR McDANIEL: Yeah.

5 SENATOR WHALEY: If you have a group of  
6 constituents that come to you, say, "Will you  
7 support Senator So-and-so's amendment," how  
8 do you answer that?

9 SENATOR McDANIEL: It would depend.

10 SENATOR WHALEY: No, no, no. It  
11 wouldn't depend.

12 SENATOR McDANIEL: It does depend.

13 SENATOR WHALEY: It depends on the point  
14 of whether you have seen the amendment or  
15 not. If you have not seen the amendment, how  
16 would you answer it?

17 SENATOR McDANIEL: That's why it  
18 depends. That was not part of your first  
19 question.

20 If I've not seen the amendment,  
21 naturally, I would say I'd have to see the  
22 amendment first.

23 SENATOR WHALEY: Wonderful point.

24 SENATOR McDANIEL: Yeah.

25 SENATOR WHALEY: So why do you

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1 continually put these messages out to support  
2 your amendments when we haven't seen the damn  
3 amendments?

4 SENATOR McDANIEL: Because the message I  
5 put out was absolutely accurate. There was  
6 nothing inaccurate about the message at all.

7 We know unequivocally that a Republican  
8 senator is having her BVAP raised to 61  
9 percent. We know the data demonstrates that  
10 will end her career. That's exactly what I  
11 said, and what I've been saying, and it was  
12 honest. It's right there in black and white  
13 and the colors up there.

14 SENATOR WHALEY: And we honestly  
15 don't -- at the point of time when you  
16 started this, we didn't know if anybody  
17 else's district was affected, correct?

18 SENATOR McDANIEL: Are we --

19 SENATOR WHALEY: Your district could be  
20 gone. My district could have been gone. We  
21 didn't know, right?

22 SENATOR McDANIEL: Let's talk about that  
23 for a second.

24 SENATOR WHALEY: No, let's --

25 SENATOR McDANIEL: No, no. I'm going to

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1 answer your question. I'm going to answer  
2 your question.

3 You might recall that there were quite a  
4 few senators in here that were concerned  
5 about their districts.

6 SENATOR WHALEY: I believe the message  
7 was that three female Republican senators had  
8 been drawn out; is that correct?

9 SENATOR McDANIEL: Not from my mouth.  
10 That was my message.

11 SENATOR WHALEY: No. I'm talking about  
12 the message that was put forward to us when  
13 we were bombarded with the e-mails.

14 SENATOR McDANIEL: Not three. Three  
15 female senators? I didn't say that.

16 My position has always been something  
17 seems odd. The transparency is not here.  
18 There's an awful lot of secrecy.

19 We got wind, because as you know, there  
20 aren't many secrets in this Capitol. We got  
21 wind of the true elimination of one. And you  
22 can see it right there as we speak. The  
23 district is gone. That's just -- that's the  
24 truth of the matter. It's gone. Everything  
25 I said was accurate. Every word.

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1           SENATOR WHALEY: You know, I'm going to  
2     have to disagree with you, and I'm going to  
3     have to go back and listen to it.

4           SENATOR McDANIEL: Good.

5           SENATOR WHALEY: I came into this body,  
6     and I respected you. I'm a little  
7     disappointed, I'll say that. But I really  
8     wish that in the future you consider holding  
9     your messages about amendments until you  
10    actually let people in the body see them.

11          SENATOR McDANIEL: My message was  
12    accurate. I tell you something else. The  
13    idea --

14          MR. PRESIDENT: Thank you, Senator.

15          SENATOR McDANIEL: I'll finish answering  
16    the question, unless it wasn't a question.

17          Senator, I appreciate your position, and  
18    I respect you as well. But I came here to  
19    fight for conservatives, and I'm going to do  
20    it the rest of my life. And I know you did  
21    as well. I'm not saying otherwise. But  
22    these are the things I believe. And I'm not  
23    trying to hurt anybody. I'm just doing the  
24    best I can to fight for what I believe in.  
25    That's all.

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1           SENATOR WHALEY: I've never questioned  
2 fighting for conservatives. I fully support  
3 that as well. I'm just saying that I want to  
4 fight the damn lies.

5           SENATOR McDANIEL: It's not a lie. It's  
6 right -- it's right there on the map. Her  
7 district is eliminated. And that's what I  
8 said was going to happen. Her district is  
9 eliminated. Whether it's a lie or not, the  
10 people can clearly see that District 37 as  
11 configured, the one she ran in, is gone.  
12 That's not a lie. That's the truth.

13          MR. PRESIDENT: Thank you. Senator  
14 Jordan, for what purpose do you seek  
15 recognition, sir?

16          SENATOR JORDAN: I have a question,  
17 Mr. President.

18          MR. PRESIDENT: Please proceed.

19          Senator McDaniel, will you yield for a  
20 question?

21          SENATOR McDANIEL: Yes, sir.

22          MR. PRESIDENT: Senator Jordan, you're  
23 recognized.

24          SENATOR JORDAN: Thank you very much,  
25 Mr. President.

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1           Senator McDaniel, you and I disagree  
2   many times. But I hope you'll agree with me  
3   now. We all are Mississippians, and all of  
4   us ought to be fighting for to make our state  
5   better in all ways. It has great potential.

6           SENATOR McDANIEL: Yes, sir.

7           SENATOR JORDAN: If you were stuck on an  
8   elevator out there, wouldn't make any  
9   difference whether it was a Democrat or  
10   Republican got the doggone thing open so you  
11   could get out, would it? You could wait  
12   until a Republican comes from across town to  
13   get you out of there and said, "Democrats, we  
14   don't want you to help. I want to stay in  
15   this elevator." What would be your --

16          SENATOR McDANIEL: There's no individual  
17   regardless of party that I wouldn't try to  
18   help in that instance.

19          SENATOR JORDAN: Yeah. I love everybody  
20   in here, Democrats or Republicans, doesn't  
21   matter to me. I'm a Mississippian. And when  
22   I taught public school, I integrated the  
23   classes. It didn't matter who came to that  
24   class because I'm interested in teaching a  
25   subject matter.



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1 We ought to be interested in moving our  
2 state forward regardless of Republican or a  
3 Democrat because Mississippi comes first.

4 Won't you agree with that?

5 SENATOR McDANIEL: Yeah.

6 SENATOR JORDAN: We're getting bogged  
7 down in your paralysis of analysis.

8 Wouldn't you agree with that?

9 SENATOR McDANIEL: No. Well, there's  
10 two questions.

11 As to the first one, I agree that  
12 Mississippi should come first. I absolutely  
13 do. But remember, political parties have  
14 vastly different ideas as to how to get us to  
15 first.

16 SENATOR JORDAN: Well, you said 61  
17 percent. I'm a conservative. I wear these  
18 suspenders because I don't trust a belt  
19 anymore. That's conservative. But you can't  
20 stand there and say that with 61 percent what  
21 a person can't win. You can argue that. I'm  
22 not a lawyer, but you don't know.

23 SENATOR McDANIEL: It's just what the  
24 data shows. There's no way to --

25 SENATOR JORDAN: And data can be wrong.

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1           SENATOR McDANIEL: Yes, sir. There's no  
2 way to predict everything with perfection.

3           SENATOR JORDAN: There you go.

4           SENATOR McDANIEL: But the data does  
5 demonstrate that.

6           SENATOR JORDAN: You have just answered  
7 it. There's no way to predict everything. I  
8 think your prediction could be wrong. Thank  
9 you.

10          SENATOR McDANIEL: Under the data, it's  
11 probably not, but anything's possible. I  
12 mean, anything in the world could happen, but  
13 the data demonstrates --

14          SENATOR JORDAN: No, I'm personally  
15 talking about priorities. That's our state.  
16 Let's move our state forward.

17          SENATOR McDANIEL: Yes, sir.

18          SENATOR JORDAN: You can't do it when  
19 you're polarizing the system.

20          SENATOR McDANIEL: The system was  
21 polarized well before I got here.

22          SENATOR JORDAN: It doesn't mean that  
23 you should continue to polarize it.

24          SENATOR McDANIEL: I'm just fighting for  
25 the things I believe in. That's all.

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1           SENATOR JORDAN: Well, you may -- it may  
2 be as wrong as two left shoes, but be able to  
3 realize that we all are Mississippi. We all  
4 love this state. This state belongs to all  
5 of us.

6           If we went to war tomorrow, all of us of  
7 age would have to go regardless of race,  
8 creed or color. So we don't have time to be  
9 debating party issues. Let's do justice and  
10 love mercy, walk humbly with our God. That's  
11 what we need to do and move our state  
12 forward.

13           Thank you, Mr. President. Thank you.

14           MR. PRESIDENT: Thank you, Senators.  
15 Thank you, Senator McDaniel.

16           Senator Blackmon, for what purpose,  
17 ma'am?

18           SENATOR BLACKMON: Are there any people  
19 after me for questions?

20           MR. PRESIDENT: Yes, ma'am. Yes, ma'am.

21           SENATOR BLACKMON: I'd like to make a  
22 motion, if I'm recognized.

23           MR. PRESIDENT: You're recognized,  
24 ma'am.

25           SENATOR BLACKMON: I move the previous

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1 question and all pending matters.

2 MR. PRESIDENT: One moment, please.

3 Okay, Senators, I think we were right  
4 the first time.

5 We have a motion on the previous  
6 question. All in favor signify by saying  
7 "Aye."

8 (Aye.)

9 MR. PRESIDENT: All opposed, "No."

10 (No.)

11 MR. PRESIDENT: The "Ayes" have it.

12 We have five minutes, Senator McDaniel.  
13 I think you're first, sir.

14 SENATOR McDANIEL: As far as opposing?

15 MR. PRESIDENT: Yes, sir. It's five  
16 minutes on your amendment.

17 SENATOR McDANIEL: I think -- Kathy, do  
18 you want to speak?

19 MR. PRESIDENT: Right. The previous  
20 question, I think took precedent. One  
21 moment.

22 Senator, you can yield some of your five  
23 minutes if you'd like.

24 Senator Chism, are you going to speak on  
25 the amendment? We're going to start the --

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1 we're going to start the clock.

2 SENATOR McDANIEL: I will yield part of  
3 my five minutes to Senator Chism.

4 MR. PRESIDENT: Please proceed, Senator  
5 Chism.

6 SENATOR CHISM: Thank you, Mr. President.  
7 Thank you, Senator McDaniel. I'll be very  
8 quick.

9 I want everybody in here to know when I  
10 went to my camper last night, I spent a lot  
11 of time praying. I called my prayer warriors  
12 back in my district, and I did my best to jot  
13 down some things to say to you. Please  
14 listen.

15 First of all, Mr. Kirby, thank you for  
16 everything that you have done. I know you've  
17 worked hard. I can't imagine what all you  
18 went through during the past year.

19 But, first, let me say that I'm pleased  
20 with my district. I said that before. There  
21 are parts of it that I would like to keep. I  
22 didn't get to keep them. I'm trying to be  
23 generous with the ones around me and work  
24 with the ones around me.

25 But as a Republican, I am concerned

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1 about the districts that had a significant  
2 increase of BVAP. As Republicans, we should  
3 all be concerned, and we should unite to save  
4 every Republican district in this state.

5 As all of you know, District 37 has had  
6 a BVAP of about 36 or 37 percent, and now it  
7 will have a BVAP of more than 60 percent.  
8 That makes a Republican pro-life district  
9 vulnerable to becoming a pro-choice Democrat  
10 district. As a Republican, this is very  
11 troubling to me, and I pray it is also  
12 troubling -- a troubling concern to every  
13 Republican senator in this chamber.

14 It is time we lay aside our personal  
15 interest, our personal feelings. It is time  
16 we stand as Republicans for Republican  
17 principles and as Republicans for each other.  
18 Republicans, we need to unit together.

19 I reached out to my prayer warriors last  
20 night, as I told you a while ago, and we  
21 spent many hours praying and God gave me the  
22 answer I was looking for. He said, "Child, I  
23 sent you to Jackson to stand for what's  
24 right. I sent you as a Republican." And I'm  
25 here to stand for the Republicans, and I pray

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1 that y'all will stand with me and try to  
2 preserve our Republican district. Thank you.

3 MR. PRESIDENT: Thank you, Senator  
4 Chism.

5 Senator McDaniel, you're recognized to  
6 speak on the motion.

7 SENATOR McDANIEL: It's my understanding  
8 I only have a couple of minutes because of  
9 time constraints, but I want to be clear  
10 about my perception of what this means to the  
11 body.

12 Yes, in my mind, this is a political  
13 assassination of a Republican. There's a  
14 dozen -- no, a thousand ways to draw these  
15 maps. Those lines can twist and turn a  
16 million different ways in a million different  
17 directions. They did not have to twist and  
18 turn to put a Republican incumbent senator in  
19 a district where race was the predominant  
20 consideration. They did not have to twist  
21 and turn where race is going to be used to  
22 eliminate a person.

23 We want to move past those days, not  
24 embrace those days. This is a violation of  
25 the equal protection clause of the United

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1 States Constitution. It's a violation of  
2 just common sense.

3 And to say that somehow this isn't going  
4 to harm someone? Tell it to Senator  
5 Sojourner. Her district, her political  
6 career, it's on the line. All the amendment  
7 does was bring the BVAP down to a place where  
8 she can compete. That's all it does. It  
9 makes the map more fair, not less fair. It  
10 gives us a better chance to be seen as a  
11 better state that doesn't let race make these  
12 types of determinations. Just give her a  
13 fighting chance, because to do otherwise, you  
14 are eliminating one of your own. Why not  
15 give them both a fighting chance? They're  
16 both good people.

17 And to Jeremy England's points earlier,  
18 yes, we have a right to talk to each other,  
19 to work with each other, and, hopefully,  
20 change hearts and minds. But you can't do it  
21 when the BVAP is so out of whack where a  
22 person has been targeted by race and race  
23 being the predominant consideration.

24 It's not good for Mississippi. It's not  
25 good these districts be mandated. We have to



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1 move past it. And all this amendment does is  
2 give us one step in the right direction.  
3 That's all it does.

4 I ask you to support the amendment.

5 MR. PRESIDENT: Thank you, Senator  
6 McDaniel.

7 Senator Kirby, you're recognized.

8 SENATOR KIRBY: Thank you, Mr.  
9 President. I know everyone is hungry and  
10 irritable right now, but, first off, I'm  
11 going to ask you to vote against the  
12 amendment. And the reason we need to vote  
13 against the amendment is every one of you had  
14 time to look at your map. Every one of  
15 you -- we have been -- I mean, almost  
16 everyone says, "I'm satisfied with my map,"  
17 and the committee, of course, the overall  
18 map.

19 All I need to say is we've been very  
20 transparent. This is a last-minute deal.  
21 Everyone is confused. I ask that you vote  
22 against the amendment.

23 MR. PRESIDENT: Okay. Senator, do we  
24 have a motion? The motion is the adoption of  
25 the amendment. We need six. We have one --

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1 please stand if you're going to be counted.  
2 One, two, three, four, five. Do you have  
3 five, sir?  
4 Okay. We do not have division.  
5 All in favor signify by saying "Aye."  
6 (Aye.)  
7 MR. PRESIDENT: Opposed, "No."  
8 (No.)  
9 MR. PRESIDENT: The "Noes" have it.  
10 Thank you.  
11 Senator, we're on the final passage,  
12 sir.  
13 Senator Kirby, you're on final passage,  
14 sir.  
15 SENATOR KIRBY: Closing with another --  
16 MR. PRESIDENT: No, it's final passage.  
17 SENATOR KIRBY: Okay. Ladies and  
18 gentlemen, I know you're hungry as I said.  
19 You've heard all sides. You know what you  
20 got.  
21 MR. PRESIDENT: Senator, this is just a  
22 motion here. It's just a motion now,  
23 Senator. It's time to vote, so it's just a  
24 motion.  
25 SENATOR KIRBY: I ask we use the morning

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1 roll call for final passage.

2 MR. PRESIDENT: The Senator has  
3 requested utilization of the morning roll  
4 call. Anyone object to the procedure?  
5 (Inaudible) is voting no. Object to the  
6 procedure.

7 All right. Mr. Clerk, please call the  
8 roll.

9 (Roll called.)

10 (Announcements.)

11 MR. PRESIDENT: Mr. Clerk, have you got  
12 the vote, please, sir?

13 By a vote of 45 yeas, 7 nays, the Bill  
14 passes. Thank you, Senator Kirby.

15 (End of video.)

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1 CERTIFICATE OF COURT REPORTER

2 I, Ginger H. Brooks, Court Reporter and  
3 Notary Public, in and for the State of  
4 Mississippi, hereby certify that the foregoing  
5 contains a true and correct transcript of the  
6 video provided to me and reduced to typewritten  
7 form under my supervision.

8 I further certify that, to the best of  
9 my knowledge, I am not in the employ of or related  
10 to any party in this matter and have no interest,  
11 monetary or otherwise, in the final outcome of  
12 this matter.

13 Witness my signature and seal this the  
14 14th day of June, 2022.

15  
16   
GINGER H. BROOKS, #1165  
17 CRR, RPR, CCR

18 My Commission Expires:  
19 September 18, 2025  
20  
21  
22  
23  
24  
25